

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

**Forest Service Handbook 6509.11h – Service-Wide Claims Management Handbook
Zero Code**

Amendment: 6509.11h-2012-1

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

Zero Code: Makes minor editorial and technical changes throughout this chapter, adds and revises pertinent terms, and removes obsolete or unnecessary terms.

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01 - Authority

See FSM 6570.1.

04 - Responsibility

See FSM 6570.4.

05 - Definitions

Administrative Claim. A claim seeking monetary relief through administrative procedures, rather than a civil or criminal proceeding in court.

Administrative Claim Report. The Forest Service report which contains information necessary for adjudicating an administrative claim and is assembled in accordance with the U.S. Department of Justice (DOJ) litigation report format.

Administrative Costs. Costs incurred by a Federal agency in processing and handling a debt after it becomes delinquent.

Administrative File. The complete claim file, including the investigation report, follow-up investigation materials, exhibits, correspondence, billings sent or received, and memoranda and reports.

Administrative Offset. Withholding funds payable by the United States (including funds payable by the United States on behalf of a State government) to, or held by the United States for, a person to satisfy a claim.

Administrative Wage Garnishment. A process whereby a Federal agency may, without first obtaining a court order, require an employer to withhold up to 15 percent of an employee's disposable pay for payment to the Federal agency to satisfy a delinquent non-tax debt.

Claimant. An individual or entity making an administrative claim against the Forest Service.

Claims Collection Litigation Report (CCLR). A report format developed by the U.S. Department of Justice (DOJ) and the Government Accountability Office (GAO) for use by Federal agencies in referring delinquent debts to DOJ for:

1. Litigation and enforced collection, or
2. Concurrence on a proposed settlement, suspension, or termination of collection action.

Claims Financial Analyst. An employee of the Albuquerque Service Center (ASC), Budget and Finance (B&F), Claims staff, who is responsible for gathering, analyzing, and verifying cost documentation to support claims for the Forest Service.

Claims Officer. A Forest Service employee who has delegated authority to collect, settle, suspend, and terminate collection of certain Forest Service debts and who has delegated authority to settle non-Federal Tort Claims Act claims against the Forest Service that fall within the Agency's authority to settle.

Claims Specialist. An employee of ASC-B&F, Claims staff, who is responsible for processing affirmative and defensive claims of the Forest Service, including employee claims.

Constructive Denial. Automatic denial of an administrative tort claim against a Federal agency when the agency fails to adjudicate the claim within 6 months of the date it is perfected, which gives the claimant the right to file a tort suit against the Government in Federal district court.

Contract. An agreement between two or more persons or entities that creates an obligation to do or not to do a particular thing and that requires competent parties, consideration, mutuality of agreement, and mutuality of obligation (FSH 6309.32; FAR 2.101).

Creditor Agency. The agency to which a debt is owed.

Cross-Servicing. The name of the U. S. Treasury-designated debt collection program that collects delinquent, non-tax debts on behalf of Federal agencies.

Debt. An amount of money that has been determined by a Federal official to be due the United States from any individual or entity, except another Federal agency.

Debt Collection. The process for recovering amounts due after routine follow-up fails, including assessing the debtor's ability to pay, exploring alternative arrangements to increase the debtor's ability to pay, and making other efforts to secure payment.

Debtor. An individual or entity owing a debt to the Forest Service or other Federal entity.

Delinquency Charges. Interest, penalties, and administrative costs that are assessed on delinquent debts.

Delinquent Debt. A debt that has not been paid by the date specified in a written demand for payment, agreement, or instrument (including a post-delinquency payment agreement), unless other satisfactory payment arrangements have been made.

Government Vehicle. A vehicle owned by, loaned to, or leased by the Forest Service or, under certain circumstances, a privately owned vehicle that is operated by a Forest Service employee acting within the scope of that employee's employment.

Incident Investigation Documents.

1. Action Plan. A document identifying remedial actions based on evaluation of the facts involved in an incident.
2. Factual Report. A report that contains strictly factual information, such as a description of events, measurements, weather reports, and statistical information, and that is devoid of conjecture, conclusion, opinion, recommendations, and information regarding subsequent remedial action.
3. Supporting Document. A document that contains evidence or analysis relating to the investigation, such as a witness statement, photograph, and State or local law enforcement report.

Interest Rate. The percentage rate established annually by the U.S. Treasury that is applied to delinquent debts owed to the Federal Government (see DR 2520).

Legally Enforceable Debt. A debt that has a legal basis, for example, that arises under a written authorization, a statute, or common law, and for which there are no legal bars to collection, such as ongoing administrative review or litigation (31 CFR 285.12(c)(3)(i)).

Personal Property. A thing that is movable and not attached to the land, other than fixtures that have been legally severed from the land.

Principal.

1. The bidder, contractor, grazing permittee, licensee, or special use authorization holder primarily liable for a debt, or
2. The base amount of a debt, upon which interest, penalties, and administrative costs are calculated.

Promissory Note. A written promise to pay a specific sum or other thing of value to a specific person or entity at a specified time or on demand.

Reviewing Officer. A Forest Service employee responsible for conducting an administrative review of a debt and the propriety of referring the debt to the U.S. Treasury for collection (7 CFR Part 3, Subpart F).

Salary Offset. Collection of a debt by deduction from the salary of an employee during one or more pay periods (5 U.S.C. 5514).

Settlement. Acceptance of a sum in full satisfaction of a debt owed the United States, to the extent permitted by law.

Suspension. Deferral of collection of a debt, to the extent permitted by law (31 U.S.C. 3711; 31 CFR Part 903).

Termination. Cessation of collection of a debt (31 U.S.C. 3711; 31 CFR Part 903).

Treasury Offset Program (TOP). A program run by the U. S. Treasury involving offset of delinquent debts owed the United States or States against Federal or State payments owed the debtor.

Unit Claims Liaison (UCL). The employee designated by each Region, Administrative Unit, Station, Area, Institute, Laboratory, and Job Corps Civilian Conservation Center and other organizational units as that unit's point of contact for claims issues and its communication link with ASC-B&F, Claims staff.

06 - Abbreviations and Acronyms

See exhibit 01 for the list of abbreviations and acronyms relevant to claims management.

06 - Exhibit 01**Abbreviations and Acronyms for Claims Management**

Abbreviation or Acronym	Term
APMC	Agency-Provided Medical Care
ARPA	Archaeological Resources Protection Act (16 U.S.C. 470)
AUSA	Assistant United States Attorney
BIA	Bureau of Indian Affairs
BIFC	Boise Interagency Fire Center (See National Interagency Fire Center (NIFC))
CCLR	Claims Collection Litigation Report
CDA	Contract Disputes Act (41 U.S.C. 601)
CFR	Code of Federal Regulations
CG	Comptroller General
DCIA	Debt Collection Act (31 U.S.C. 3701-3720E), as amended by the Debt Collection Improvement Act (Pub. L. 104-134)
DR	Departmental Regulation of the U.S. Department of Agriculture
FAR	Federal Acquisition Regulation
FECA	Federal Employees Compensation Act
FFIS	Foundation Financial Information System
FLETC	Federal Law Enforcement Training Center
FMS	Financial Management Service of the U.S. Department of the Treasury
FOIA	Freedom of Information Act (5 U.S.C. 552b)
FTCA	Federal Tort Claims Act (28 U.S.C. 1346b, 2401, and 2671-2680)
FS	Forest Service
FSM	Forest Service Manual
GAO	Government Accountability Office
GSA	General Services Administration
IPAC	Intra-Governmental Payment and Collection System
IRS	Internal Revenue Service
MBF	Thousand Board Feet
MMBF	Million Board Feet
MP&CEA	Military Personnel and Civilian Employees' Claims Act (31 U.S.C. 3721)
NFC	National Finance Center of the U.S. Department of Agriculture
NIFC	National Interagency Fire Center
NOAA	National Oceanic and Atmospheric Administration
OMB	Office of Management and Budget
OGC	Office of the General Counsel of the U.S. Department of Agriculture
OPAC	Online Payment and Collection System (see IPAC)
OIG	Office of the Inspector General of the U.S. Department of Agriculture
OWCP	Office of Workers' Compensation Program

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06 - Exhibit 01-Continued

Abbreviation or Acronym	Term
PL	Public Law
PA	Privacy Act (FSM 6270 and FSH 6209.13)
RA	Regional Attorney of the Office of the General Counsel
RF	Regional Forester
RO	Regional Office
SCSEP	Senior Conservation Service Employment Program
SO	Forest or Grassland Supervisor's Office
TOP	Treasury Offset Program
USA	U.S. Attorney
USC	U.S. Code
USDA	U.S. Department of Agriculture
WO	Washington Office of the Forest Service
YCC	Youth Conservation Corps