



# KAISERSLAUTERN LEGAL INFORMER

## CLAIMS ATTORNEY SHARES LESSONS LEARNED...



### PROFESSIONAL PROFILES...

This is the latest in a series of profiles of members of the award-winning staff of the Kaiserslautern Legal Services Center. We're proud of the talented team of attorneys and paralegals who meet the legal services needs of the largest community of Americans overseas. By getting to know our staff better, our readers will know who they can turn to for help with their legal problems.

**Ramstein Claims Examiner Jutta Kinzinger (left), and Kaiserslautern Legal Services Center Senior Claims Examiner Martina Berndt (right) presented Claims Judge Advocate CPT Desirée Helmick (center) with a clever claims memento at her farewell luncheon.**

by Steve Smith

CPT Desirée Helmick arrived in Kaiserslautern in the summer of 2005, and spent the next three years serving in positions of increasing responsibility at the Kaiserslautern Legal Services Center (KLSC). She spent her first year in Legal Assistance, then moved to Claims in 2006. When KLSC Chief of Client Services Jim Wiley was mobilized in his Reserve capacity in the fall of 2007, she assumed his duties, while continuing to supervise one of the busiest claims offices in Europe.

As the longest-serving Claims Judge Advocate in the KLSC's history, CPT Helmick tackled some of the thorniest claims issues in USAREUR (including the notorious Nasatka barriers and a rash of tire shredder claims that received front page coverage in the *European Stars & Stripes*) while introducing the new-fangled "full replacement value" claims program to KMC claimants.

It is no accident that during her tenure as Claims Judge Advocate the KLSC Claims Office twice received The Judge Advocate General's Award for Excellence in Claims Support. The KLSC also won the Army Chief of Staff Award for Excellence in Legal Assistance in each of the three years she served in Kaiserslautern.

CPT Helmick looks back on her two years as the busiest Claims Judge Advocate in Europe in an article on page 2, entitled "*A Farewell to Claims—Lessons I Learned as a Claims Judge Advocate.*"

CPT Helmick and her daughters, Ashley (a 2008 graduate of Kaiserslautern High School) and Christa, are headed to Fort Benning, Georgia, where CPT Helmick will serve as a Defense Counsel with the US Army Trial Defense Service. We wish them continued success in all they do.



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Judge Advocate  
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America's Oldest  
Law Firm*

# **"A Farewell to Claims"**

## **Lessons I Learned as a Claims Judge Advocate...**

by CPT Desirée Helmick

As I prepare to PCS, it is time to look back on the 24 months I spent in charge of the Kaiserslautern Claims Office. I've enjoyed my tenure here. It gave me a lot of professional satisfaction to be able to pay meritorious claims, and put claimants back in the position they were in before they sustained a loss (or as close to it as the claims regulations allow). Unfortunately, not all claims are payable. Having reviewed hundreds of claims over the last two years, I've learned some useful lessons I would like to impart to future potential claimants.

### **1. DRIVE CAREFULLY OVER SECURITY BARRIERS**

"Nasatka" barriers and tire shredders — get used to them — they are here to stay as part of our force protection measures. Drive over these barriers slowly and straight on--do not turn your tires at all. If your tires are angled when driving over tire shredders, it increases the possibility of tire punctures, and decreases the chances we can pay your claim. CRAWL over Nasatka barriers, especially if your car is heavily loaded, rides lower than normal, or has a "sagging" exhaust system. The only way a barrier claim can be paid is if the claimant can prove that the barrier was negligently installed, operated, or maintained, which is very difficult to do.

### **2. PARK "DEFENSIVELY" AT BALL FIELDS AND GOLF COURSES**

Baseballs, softballs, and golf balls escape from ball fields and golf courses ALL the time. If you park your vehicle close to a ball field you park at your own risk, and any damage caused by escaping balls is generally not payable unless the claimant can show that the ball field was negligently designed or maintained. Again, this is very difficult to prove, so the best thing is to park as far away as possible from these fields. It may be inconvenient, but in the long run it will help protect your vehicle from damage and save you a lot of headaches.

### **3. DON'T TAKE HIGH VALUE ITEMS TO SCHOOL**

DoDDS schools have a standard policy that students are not allowed to bring high value items such as MP3 players to school. If such an item is brought to school and is lost or stolen, the school is not liable for the loss. This policy is printed in the Student Handbook and is stated on the first page of the daily student bulletin in Kaiserslautern schools. These types of claims are only payable if the claimant can prove that a school employee was involved and negligently caused the loss. That's a difficult burden of proof, so it is best if students simply leave such items at home.

## **"A Farewell to Claims"**

**(continued)**

### **4. DON'T TAKE HIGH VALUE ITEMS TO THE HOSPITAL**

If you have to go to the hospital, do not bring valuables with you - during treatment, they can get lost or stolen. If you cannot leave valuables at home — *e.g.*, you are coming from downrange — the best course of action, whenever possible, is to watch as a hospital staff member places your valuables in the hospital safe and obtain a proper hand receipt for the items placed in the safe, including the brand and model number of the items. If something is lost or damaged, notify hospital staff immediately and have them initiate an investigation.

### **5. PROTECT YOURSELF WHEN SHIPPING HIGH VALUE ITEMS**

Almost all service members and civilian employees will eventually ship their property at Government expense. Unfortunately, it is a rare move when something is not lost or damaged. There are several things that you can do to protect yourself. If you are shipping high value items (*e.g.*, expensive game systems, motorcycles, jewelry, a mink coat...) make sure that they are listed separately on a high value inventory. Additionally, claimants should consider obtaining appraisals of art work or high value antiques placed in Government shipment. The costs for these valuations are not reimbursable, but it is well worth the out-of-pocket expense as these valuations can be used by the Claims Office or Carrier as a basis for paying replacement costs. Finally, you should consider obtaining private insurance to cover costs that the Claims Office cannot pay because they exceed the maximum amount allowable under the claims regulation. Check with the Claims Office to find out what the maximum allowable amount is on high value items before your next PCS move.

These are just a few of the lessons I've learned while reviewing claims files. Remember that the claims staff is there to help you and to answer your claims questions. The Kaiserslautern Claims Office's claims examiners have over 30 years' combined claims experience, and will go the extra mile to help you with your claim. Do not hesitate to contact either Martina Berndt or Karin Jordan with any claims questions you may have.

It has been an honor and a privilege to serve those who serve. Thank you and *AufWiedersehen!*

*The Kaiserslautern Claims Office is located in Building 3210 on Kleber Kaserne. Appointments are required to file claims; however, walk-in appointments are available from 0900-1530 on Wednesdays (closed for lunch 1200-1300). Office hours are Monday, Tuesday, Wednesday and Friday 0900-1200 and 1300-1600 and Thursday afternoon 1300-1600. You can also call the Claims Office at DSN 483-8414 or CIV 0631-411-8414. The Claims Office is closed on Federal and Training Holidays.*