

Nonappropriated Fund Claims

by CPT A.J. Browell

Sometimes it is obvious when you have a valid claim to file with your local claims office: a distracted Soldier drives a Humvee into your parked car; the military postal service loses your package; an automatic door in an Army office building inexplicably closes on you breaking your wrist...

However, valid claims are not limited to injury or damage caused by the Army and its personnel. Claims can also arise through the negligent acts of employees of Nonappropriated Fund Instrumentalities (NAFIs) and the Army and Air Force Exchange Service (AAFES).

What are NAFIs? NAFIs are Department of Defense-sanctioned programs, typically through MWR, that provide morale, welfare, and recreational programs for military personnel and civilians. Common examples of NAFIs found on-post include auto skills centers, car washes, bowling alleys, child development centers, clubs, fitness centers, golf clubs, and movie theaters. NAFIs do not include concessionaires operating on post like many name brand restaurants and specialty stores.

If you have a claim for property damage and/or personal injury caused by the negligent or wrongful act of a NAFI or AAFES employee acting within the scope of employment, you must present the claim to your local claims office within two years of the date the incident took place, or within two years of the date you discover the damage or injury. [Note: The procedures for permanent residents of Germany and tourists (including U.S. tourists in Germany) to file such claims are completely different. They must file their claim with a special German claims office ("Schadensregulierungsstellen des Bundes") WITHIN THREE MONTHS of the date the incident took place or the date they discover the loss. Your local claims office can provide the proper address and appropriate forms.]

The proper format for filing a NAF claim is a completed Standard Form 95. The SF95 can be picked up from your local claims office or downloaded at www.gsa.gov at "Forms Library."

Although all NAF claims submitted will be thoroughly investigated by your local claims office, it is important for you to provide detailed facts that form the basis of your claim. You should, to the best of your ability, list the incident location and identify all persons involved. Additionally, you should attach the police report/incident complaint report, if you have one, and submit written statements from witnesses, if applicable.

Make sure the SF95 states a definite sum of money for the claimed damages. Failure to provide a sum certain on the SF95 could invalidate/delay the filing of your claim. All SF95 forms submitted must be dated and signed. The more information you provide to the claims office about the claimed incident, the easier it will be for the claims office to adjudicate the claim. While the claims office decides whether the claim is payable and, if so, in what amount, it is the responsibility of the NAFI to make payment out of their own funds.

The laws and regulations surrounding NAF claims are complex; the claims experts at your local Military Claims Office are standing by to assist.

If you have further questions about these or other claims-related issues, call the Kaiserslautern Claims Office at DSN 483-8855/8856 or Civilian 0631-411-8855/8856, or visit the office, located in Room 112 of the Kaiserslautern Legal Services Center, and consult with our claims experts.

