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Commander
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TAB J TO APPENDIX 21 TO ANNEX C TO MSU PORT ARTHUR OPLAN 9783-06 PERSONNEL CLAIMS AND LEGAL ASSISTANCE

Ref: (a) Claims and Litigation Manual, COMDTINST M5890.9
(b) Legal Assistance Program, COMDTINST M5801.4C

1. Situation. Coast Guard members and employees working or residing in areas impacted by hurricanes, tropical storms or other natural disasters may suffer damage to, or loss of, their personal property, dwellings or personal vehicles. Such losses have obvious direct impacts on both personal and unit effectiveness. Various support programs are available to help members and employees cope with these losses. Incident Commanders (IC's), as well as Commanding Officers and Officers-in-Charge shall be aware of these programs and shall survey their personnel and promptly report unit needs in the wake of hurricanes, tropical storms or other natural disasters so that appropriate resources can be dispatched.

2. Military Personnel and Civilian Employees Claims Act (MPCECA) Program.

a. The MPCECA provides statutory authority for the settlement of claims for the loss of, or damage to, certain property of military members and civilian employees occurring incident to their service. MLC LANT (lc) has primary responsibility for processing and settling MPCECA claims other than those arising out of household goods shipments under permanent change of station orders. The Eighth District Legal Office is responsible for monitoring post storm/hurricane MPCECA claims and finding additional resources as necessary.

b. The MPCECA program can compensate members and employees for damage to personal property, including personal vehicles, under certain circumstances. Chapter 6 of reference (a) outlines the program and describes what types of claims are covered. In general:

(1) Members living in government owned or government leased housing may be eligible to submit claims for damage to personal property caused by natural disasters. The personal property must have been located in government owned or government leased housing at the time of the damage. Covered property includes, but is not limited to, furniture, clothing, appliances and food items.

(2) Members and employees whose personal vehicles are damaged by a natural disaster while parked in designated areas may also be entitled to file claims. Designated areas may include designated parking lots on government installations

at which the member or employee was required to be, parking places at government owned or government leased housing and other designated places at which the member or employee was required to be. Chapter 6 of reference (a) governs and contains some restrictions.

(3) The MPCECA program does not cover damage to personal property located in the dwellings owned by the member or leased directly by the member.

(4) Damage or loss that is due to the member's or employee's own negligence or misconduct is not covered. Members and employees must first file claims with their private insurance companies. In addition, depreciation rules and reimbursement caps contained in reference (a) apply.

c. The District Legal Office can establish expedited claims procedures or dispatch claim assistance personnel to affected areas if the level of expected MPCECA claims warrants.

3. Legal Assistance Program.

a. Pursuant to reference (b), the District Legal Office has an established legal assistance program to help Coast Guard members, dependents and retirees with their personal legal affairs (Civilian employees are not covered by this program). In the aftermath of a tropical storm or hurricane, members with damage to their property may need legal assistance in dealing with insurance companies, contractors and others. These matters fall under the general scope of the existing legal assistance program.

b. The Eighth District Legal Assistance Program is managed by a designated legal assistance manager assigned to the District Legal Office. Active duty, Reserve and Auxiliary legal assistance officers located throughout the Eighth District are available to provide legal assistance to individual members. In general, members needing legal assistance may make arrangements by calling the District Legal Office at (504)589-6188 during normal working hours.

c. In the aftermath of a tropical storm, hurricane or other natural disaster, the District Legal Office will evaluate the need for legal assistance in the affected areas. Based on this evaluation, legal assistance personnel may be dispatched to render on site assistance. For major disasters requiring extended periods of legal assistance resources, the District Legal Office may activate a Legal Assistance Emergency Response Team (LAERT) consisting of reserve attorneys.

4. Action.

- a. As soon as practical after passage of the tropical storm, hurricane or natural disaster, IC's shall ensure that all units survey their personnel for damage to personal property, dwellings and personal vehicles.
- b. IC's shall include personnel damage assessments on post disaster SITREP's. Assessments shall include: Name and unit of members sustaining significant personal property, dwelling, or personal vehicle damage; whether member lives in government owned, government leased, member owned or member leased housing; vehicle location (on or off government installation) when damage was sustained; type of damage and rough estimate of damage (i.e. under \$1K, \$1-5K, \$5-10K, over \$10K); any requests for additional claims or legal assistance resources.
- c. The District Legal Office will evaluate the level of likely MPCECA claims based on the IC's reports and will determine the proper level of claims assistance action required, including implementation of expedited claims procedures, requesting an on-site MLC LANT claims settlement officer, or dispatching other claims assistance personnel.
- d. Commanding Officers and Officers-in-Charge shall ensure that every MPCECA claim forwarded to MLC LANT (lc) for settlement is prominently marked as tropical storm/hurricane related to ensure that claims receive expedited treatment.
- e. Commanding Officer and Officers-in-Charge shall remind all members and dependents of the availability of the Legal Assistance Program for post tropical storm/hurricane legal assistance issues.
- f. The District Legal Office will evaluate the level of likely legal assistance cases based on the IC's reports and dispatch appropriate legal assistance resources to the affected area. In the case of major disasters, the District Legal Office may establish a LAERT to provide extended legal assistance services.
- g. Recommend homeowners purchase flood insurance and renters purchase renter's insurance. Renters should also verify their lease terms to see if their protections are maximized. If not, then renters should negotiate better terms.