

UCMJ Article 139

Uniform Code of Military Justice (UCMJ) Article 139 provides an administrative remedy for property that has been wrongfully taken, damaged, or destroyed by a member of the military. If a servicemember is found liable, payment is made directly to the victim from that servicemember's military pay. If the specific wrongdoer cannot be identified, compensation may be required proportionally from unit members who were determined to be present on the scene at the time of damage. Claimants do not need to be a member of the military to file such a claim – you need only be the owner or lawful possessor of the affected property.

UCMJ Article 139 Claims may be filed at the Fort Carson Claims Office. Before filing a claim, please consider the following criteria:

- The wrongdoer must be subject to the UCMJ at the time that the damage or loss occurred.
- For property damage claims, the damage must have been willfully committed. That is, the conduct leading to the damage or loss must have been purposeful. A claim will not be successful if the damage occurred merely because of a Soldier's negligence. However, if the damage, loss, or destruction occurred through reckless behavior or total disregard of the property rights of another, this may fall under the category of willful damage. For example, an Article 139 claim may be applicable in a situation where a vehicle sustained damage from reckless operation.
- Wrongful taking claims may be cognizable when two components are established. First, the personal property must be withheld from you. Second, such withholding must be done purposefully. Property loss caused by acts such as larceny, theft, fraud, or other similar offenses, generally classify as wrongful takings under Article 139.
- Finally, the lost, damaged, or destroyed object must meet the relevant definition of "property." Article 139 provides compensation for personal property, both tangible and intangible, and real property.

Article 139 does not cover all types of loss. Article 139 claimants cannot receive compensation for personal injury, failure to pay a debt, consequential damages, or theft of services. Additionally, claims against Reserve component personnel who are not subject to the UCMJ at the time that the offense took place are not cognizable.

A properly filed claim must be brought within 90 days of when the loss or damage occurred, unless it is otherwise determined that good cause for delay exists. If you wish to file a claim, or find out more about doing so, please contact the Fort Carson Claims Office, located at 1633 Mekong Street, Building 6222, Fort Carson, Colorado 80913, 719-526-1346.