



Torii Claims Assistance



• 644-4742 • BUILDING 218 • ROOM 222 •

File an Article 139 Claim if a Soldier Steals or Willfully Damages Your Property By Rudy Wartella

Most Soldiers are honest and would not steal or “wrongfully” take another person’s property. Most Soldiers would not vandalize, or “willfully damage” property. . This article is about one of the remedies available if a Soldier does steal or vandalize your property. If a Soldier willfully damages or wrongfully takes your property, you may file an Article 139¹ Claim against the Soldier with the Soldier’s Commander² to recoup your loss.

What is “willfully damage”? Willful damage is damage which is inflicted intentionally, knowingly, and purposefully without justifiable excuse.

What is “wrongful taking”? Wrongful taking is any unauthorized taking or withholding of property, with the intent to temporarily or permanently deprive the owner or person lawfully in possession of the property.³ Damage, loss, or destruction of property through larceny, forgery, embezzlement, fraud, misappropriation, or similar offense may be considered wrongful taking.

Where does one submit an Article 139 Claim? An Article 139 Claim is submitted to the SPCMCA having jurisdiction over the Soldier (alleged offender). Any subordinate officer receiving a claim will forward the claim within 2 working days to the SPCMCA having jurisdiction over the Soldier (Provide a copy to the Torii Claims Office).

What is the form of an Article 139 Claim? A claim may first be submitted orally. However, it must be then reduced to writing and signed by the claimant. The Torii Station Claims Office has an Article 139 Claims packet and can provide you with additional information on how to file an Article 139 Claim.

What is the time limit on submitting a claim? A claim must be submitted within 90 days of the incident that give rise to it. If good cause is shown for not submitting the claim within 90 days, the Commander acting on the claim may grant more time. Generally, a person who is not aware of Article 139 or does not know the identity of the offender has good cause for delay in submitting a claim.

Who do I call for more information? You can call (644-4742) or visit the Torii Station Claims Office (Room 222, Building 218) for more information.

¹ Article 139 of the UCMJ allows for a claim against a Soldier that willfully damages or wrongfully takes property.

² The Commander exercising Special Court-Martial Convening Authority (SPCMA) over the Soldier against whom the claim is made.

³ This does not include situations involving the breach of fiduciary or contractual relationship. Wrongful taking is not a taking involving a dispute over the conduct of a soldier acting as the claimant’s agent, over the terms of a contract, or over ownership of property.