



Torii Claims Assistance



• 644-4742 • BUILDING 218 • ROOM 222 •

CLAIMS FOR ORGANIZATIONAL CLOTHING AND EQUIPMENT

Background: In 2008 the Army began requiring Soldiers to retain Organizational Clothing and Equipment (OCIEⁱ) when undergoing a Permanent Change of Station (PCS). Soldiers are authorized to ship their OCIE in their Household Goods (HHG). Sometimes the OCIE will come up damaged or missing. When this happens a claim can be filed against the moving company, also called the Transportation Service Provider (TSP).

Who May Submit Claims For Organizational Clothing and Equipment (OCIE)?

If a TSP takes possession of OCIE as part of a Soldier's HHG or hold baggage shipment, and the OCIE is lost or damaged, the TSP is liable for the repair or full replacement cost of this property.

Either the Soldier, who shipped the OCIE, or the U.S. Army, may file and be paid on a claim for OCIE. The Army is the owner of the OCIE, and also has an independent right to claim for any property which it paid to transport. However, the Soldier/shipper also has a possessory right to the OCIE, since the Army has given him custody of the OCIE, which is sufficient to make him a proper claimant for damage to or loss of the OCIE. The practical effect is that a claim for OCIE should be treated like a claim for any other property shipped under the Defense Personal Property Program (DP3 program). The Soldier usually files a claim with the TSP, but the Army may also file a claim for that property. Usually the Army's claim is for recovery of money it has already paid to the Soldier. If there is some reason for the Army to file a claim against the TSP without having paid a claim to the Soldier under the PCA, it has a legal right to do so.

Of course, the TSP is not liable twice. If the TSP has already paid a claim for OCIE to the Soldier, it is not required to pay the Army if the Army also files a claim. The reverse is also true, if it has already paid the Army, it is not liable to the Soldier.

If the Soldier's OCIE is lost, his unit will conduct a FLIPL (formerly known as a Report of Survey) to determine how the loss occurred and whether the loss was due to the Soldier's negligence. If the Soldier has been paid by the TSP for the lost OCIE, he is required to turn that money over to his unit; if not, he may be absolved of liability, but the Army at some point should file a claim against the TSP. But none of this is the concern of the TSP, so long as it is not held liable to both the Soldier and the Army for the same items.

If the TSP requires solid substantiation for the claim, and pays only what is substantiated, but the Soldier ends up profiting because the Army did not check to see whether the Soldier was already paid by the TSP when it decides not to hold the Soldier liable in a FLIPL, the TSP does not suffer, the Army does.

As a practical matter, if the TSP refuses paying the Soldier, often the matter goes no further, and the TSP escapes liability entirely for the lost OCIE. That is unacceptable.

Please be sure to contact the claims office at 644-4742 if your OCIE was lost or damaged during shipment.

ⁱ Formerly known as TA-50. OCIE is defined in Paragraph 9 in the Common Table of Allowances 50-900 as “mission essential Army owned property listed in Tables 4,5,6,F-1, G-1, H-1 and J-1 for which the organization commander retains responsibility, and which may be rotated among using individuals as required, unless identified as nonrecoverable.”

