



# Torii Claims Assistance



• 644-4742 • BUILDING 218 • ROOM 222 •

## Vandalism and Theft (Privately Owned Vehicles)

Adapted from an Article written by CPT H. Wayne Janoe, Kaiserslautern, Germany

Okinawa is a safe place to live and work. Vandalism and theft are rare on Okinawa. However, if a Soldier's privately owned vehicle (POV) is stolen, broken into, or vandalized on a military installation or outside of the Soldier's quarters, recovery may be available by filing a claim with the U.S. Government for the loss or damage. In these instances, recovery may be possible under the Personnel Claims Act (PCA) because the location of your vehicle is likely to be considered "incident to service."

The Soldier must first file a claim against the Soldier's private insurer if there is coverage for POV theft or vandalism. Soldiers with this coverage must give their insurer the first opportunity to pay for the loss or damage. After insurance settlement, a claim against the Government could possibly cover loss not paid by the insurer (e.g., your deductible). The military claims office must consider the insurance settlement in determining the amount payable on your claim. If the Soldier only has liability insurance, the insurer will likely not pay for theft or vandalism. In that case, a claim with the Government may be the Soldier's best option.

If the Soldier is a victim of POV theft or vandalism, the Soldier should take the following steps, as applicable, to facilitate adjudication and settlement of the Soldier's claim. Failure to do so could result in denial of the claim.

- Contact the Military Police immediately.
- Identify any evidence of the theft or vandalism at the scene.
- Specifically point out any evidence to the Military Police at the scene. It is important that the police report include a description of relevant evidence (e.g., shattered glass or paint flakes on the ground).
- If the Military Police are unable or unwilling to come to the scene, take pictures of the evidence.
- Inform the insurer of the incident, and determine whether the private insurance policy covers the damage or loss. If it does, the first recourse, as stated above, is against the insurance company.

If a Soldier is considering filing a claim against the Government, contact the Torii Claims Office *immediately* after reporting the incident to the Military Police. If possible, delay repairs until the claims office has an opportunity to inspect the vehicle. Even if the vehicle will be repaired at the direction of the insurer, inspection of the damage by the claims office is essential for evaluating a claim.

Claims for theft or vandalism that occur off post, and away from a Soldier's assigned quarters, are generally not payable. Under the PCA, this type of claim would only be payable if the claimant could establish a clear connection between the incident and their duties here on Okinawa.

As always, contact your local claims office for more information. The Torii Station Claims Office is located in Building 218, Room 222, and our claims examiner can be reached at 644-4742.