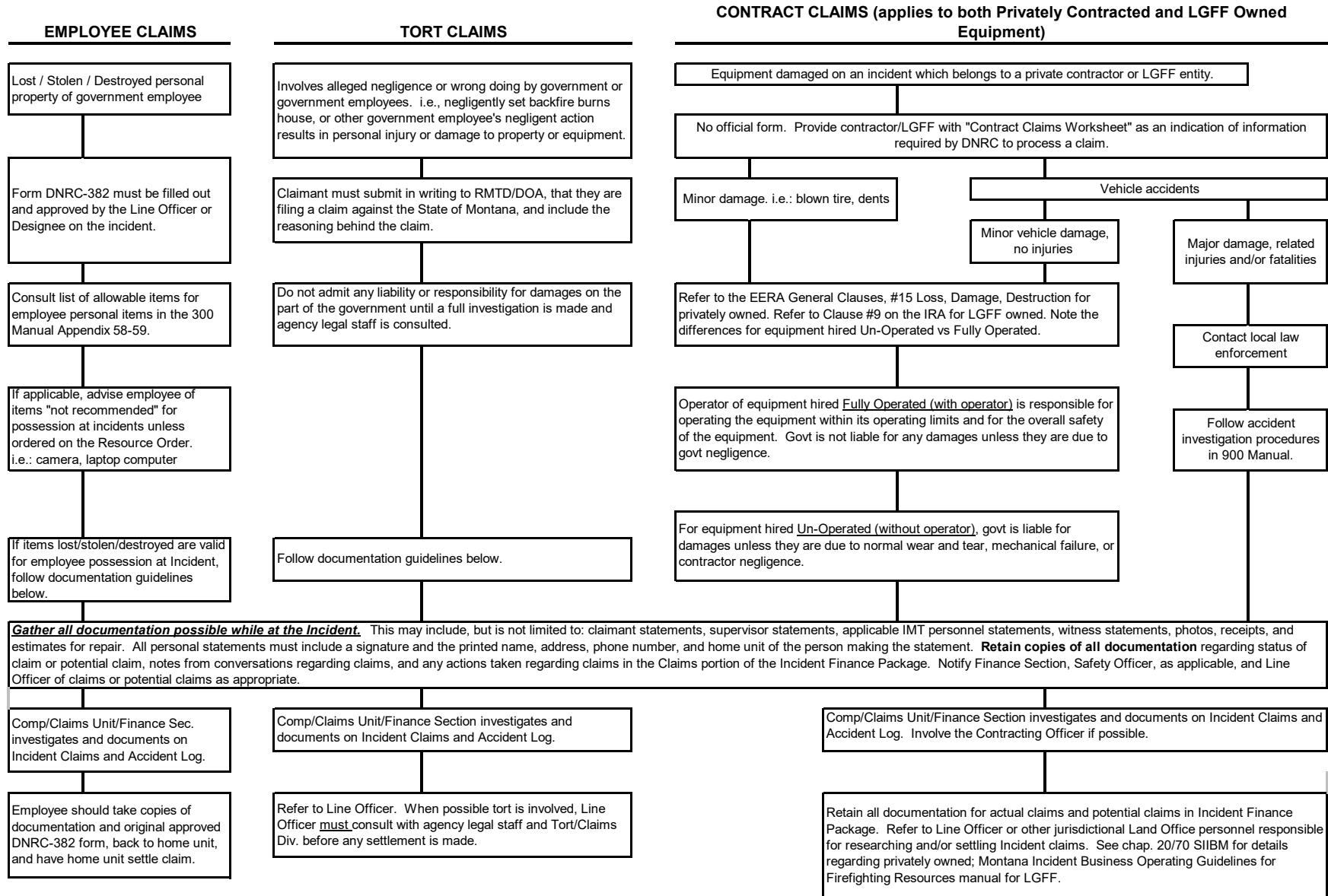


GUIDELINES FOR INCIDENT CLAIMS HANDLING ON DNRC INCIDENTS

*****Remember: When you receive any written request for compensation/reimbursement for damages for a specific amount of money, you have received a CLAIM! Treat it as such and attempt to obtain all relevant documentation at the Incident. Furnish all documentation to Line Officer / Host Land Office at the close of the Incident.**



GUIDELINES FOR INCIDENT CLAIMS HANDLING ON DNRC INCIDENTS

EMPLOYEE CLAIMS

Common Examples of Employee Claims Usually Reimbursed

- ~Fire burned over camp, tent and personal belongings destroyed
- ~Personal items stolen from tent while employee is on duty
- ~Prescription eyeglasses broken during the course of duty
- ~Nomex pants not returned after sent to laundry service

Common Examples of Employee Claims NOT Usually Reimbursed

- ~Camera/cell phone/laptop etc stolen or lost - items not ordered on resource order
- ~Boots stolen out of bed of truck while employee is at dinner -- {employee negligence caused opportunity for theft to occur}
- ~Prescription eyeglasses broken after being left on seat of chair {employee negligence...}

Note:

Check with employee's home unit to see if compensation was made there and charged to the incident before directly compensating employee for any loss or damage suffered.

TORT CLAIMS

Common Examples of Tort Claims Usually Reimbursed

- ~Government set backfire burned fence, home or other improvements on private property
- ~Engine backed into private fence
- ~Vehicle accident between private contractor's vehicle and government vehicle, where government driver was determined to be at fault

Common Examples of Tort Claims NOT Usually Reimbursed

- ~Vehicle collision between private contractor's vehicle and government vehicle, where contractor was determined to be at fault
- ~Uncontained fire burned fence, home or other improvements on private property

Note:

All potential tort claims must be processed through Risk Management Tort Division of Department Of Administration (RMTD/DOA).

Line officers or others handling tort claims should be very sensitive to the short and long range effects of the claim under consideration.

Use sound judgment, consider possible repercussions consult with Forestry Division, DNRC legal counsel, and RMTD/DOA as necessary.

Never admit fault or liability until or unless a final settlement is made.

CONTRACT CLAIMS (applies to both Privately Contracted and LGFF Owned Equipment)

Common Examples of Contract Claims Usually Reimbursed

- ~Heavy equipment (hired Fully Operated) slid down slope into a tree, cause was determined to be govt employee's negligence in directing the equipment
- ~Snag felled by govt employee falls on parked contractor equipment
- ~Logs or rocks rolling downhill damaged equipment or equipment was burned up (assume govt negligence in directing the placement of the equipment)

Common Examples of Contract Claims NOT Usually Reimbursed

- ~Normal wear and tear from fire line duty - i.e.: damage to painted surfaces from minor dings, dents, and scratches, dirty air filters, dirty interiors, chipped windshields, etc
- ~Damage caused by contractor/operator negligence, speeding or other reckless driving
- ~Heavy equipment (hired Fully Operated) slid down slope into a tree, no govt negligence found. (Operator was responsible for operating the equipment safely and within its operating limits.)
- ~Damage caused in a vehicle accident between private contractors. Advise them to contact their own insurance carriers.

Note:

Commonly, contractor claims will require further research or investigation after the incident is over. You may need to obtain additional estimates, pictures of the damaged vehicle, clarification of witness statements, or other information as required, before determining a fair settlement.

Consult Fire Protection Bureau, Forestry Division &/or DNRC legal counsel as necessary.

Normally, do not offer compensation based on one estimate for repair obtained by contractor. Obtain additional estimates from unbiased vendors to ensure the best deal on repair or replacement. Keep depreciation in mind.

Thorough pre-use and post-use inspections are often critical in the settlement of contractor claims. Pictures or videos are especially helpful. At pre-use inspection or EERA/IRA sign-up, the contractor should have been told that normal wear and tear on a fire line is probably different from what they encounter in their normal workplace. Dings, dents, scratches, etc are common and normally not eligible for reimbursement.

GUIDELINES FOR INCIDENT CLAIMS HANDLING ON DNRC INCIDENTS

Chapter 70 of the SIBM states that a claim consists of a "written demand for a specific amount of money, or other objects of value..." When a claimant furnishes this, the Line Officer, or his or her designee, must view it as a claim. DNRC must respond to all claims, regardless of type of claim, dollar amount involved, or government personnel's opinion of the merit of the claim. Response must be in writing and may consist of denial or settlement. When a claim is denied, every effort should be made to provide claimant with the reasons for denial.

Line Officer or his or her designee, should exercise sound judgment regarding the dollar amount that is approved. Claims of a sensitive nature or high dollar amount (>\$10,000) should merit consultation with Legal, Bureau, or Division personnel as applicable. Risk Management/Tort must always be involved in claims alleging tort (negligence, wrongdoing) on the part of the government. The individual who approves the claim should be on the "DNRC Signers list". Depending upon the dollar amount of the claim, an additional signature may be necessary for payment.

Contract Claims should at the very least, be reviewed by the Contracting officer who approved the original EERA/IRA. For payment of an approved Contract Claim, the payment/invoice must be processed through the Forestry Division Office. Obtain a Supply Resource Order (S#), complete the Determinations and Findings form and include the Fire Payment Approval/Cover Sheet with the "Claim" box checked. Include copies of all appropriate documentation as noted above.