



## DoD INSTRUCTION 5515.08

### ASSIGNMENT OF CLAIMS RESPONSIBILITY

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**Originating Component:** Office of the General Counsel of the Department of Defense

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**Purpose:** In accordance with the authority in DoD Directive 5145.01, this issuance establishes policy and assigns responsibilities for the processing of certain claims arising in overseas areas or pursuant to international treaties.

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## **SECTION 1: GENERAL ISSUANCE INFORMATION**

**1.1. APPLICABILITY.** This issuance applies to OSD, the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities within the DoD.

**1.2. POLICY.** It is DoD policy that:

a. Claims against the United States and claims by the United States will be quickly adjudicated. To implement this, the Military Departments as assigned in Section 3 are responsible for adjudicating claims that arise under the authorities in Paragraph 2.2.

b. Assignments should correspond, where possible, with the appointment of the designated commanding officer for each host country in accordance with DoD Directive 5525.1.

## SECTION 2: RESPONSIBILITIES

**2.1. GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE (GC DOD).** The GC DoD may change assignments for adjudicating claims arising in the countries listed in Section 3 and may assign responsibility for adjudicating claims in countries not listed in Section 3.

**2.2. SECRETARIES OF THE MILITARY DEPARTMENTS.** The Secretaries of the Military Departments will adjudicate the following claims arising in those countries named in Section 3:

a. All claims against the United States arising under Sections 2733, 2734, 2734a, 2734b, 2736, 2737, and 2738 of Title 10, and Section 715 of Title 32, United States Code; the North Atlantic Treaty Organization (NATO) Status of Forces Agreement (SOFA); agreements supplemental to the NATO SOFA; and other international agreements with countries not covered by the NATO SOFA.

b. All claims on behalf of the United States arising under Sections 2651-2653 of Title 42, and Section 3711 of Title 31, United States Code; the NATO SOFA; agreements supplemental to the NATO SOFA; and other international agreements with countries not covered by the NATO SOFA.

**2.3. SECRETARY OF THE NAVY.** In addition to the responsibilities in Paragraph 2.2., the Secretary of the Navy may:

a. Settle non-scope of duty claims for less than \$2,500 arising in foreign ports visited by U.S. forces afloat (including ports in those countries where responsibility for processing claims has been assigned to the Department of the Army or the Department of the Air Force in Section 3).

b. If the authorities of the receiving State concur, adjudicate such claims regardless of the conditions imposed by any international agreements on non-scope claims processing by receiving and sending State authorities.

**2.4. GEOGRAPHIC COMBATANT COMMANDERS (GCC).** The GCCs, through the Chairman of the Joint Chiefs of Staff, may assign interim responsibility for adjudicating claims in countries where such assignment has not been made under this issuance. The GCCs will seek immediate confirmation and approval of such assignments from the GC DoD.

## SECTION 3: ASSIGNMENT OF CLAIMS RESPONSIBILITY

### 3.1. ASSIGNMENT OF CLAIMS RESPONSIBILITY.

**a. Department of the Army.** The Department of the Army:

(1) Adjudicates claims arising in Afghanistan, Albania, Angola, Austria, Belarus, Belgium, Bulgaria, Burkina Faso, Burundi, Cameroon, Central African Republic, Chad, Comoros, the Czech Republic, Comoros, Democratic Republic of the Congo, El Salvador, Equatorial Guinea, Eritrea, Estonia, Ethiopia, the Federal Republic of Germany, Gabon, Grenada, Honduras, Hungary, Iran, Iraq, Kenya, Kuwait, Latvia, Lithuania, the Marshall Islands, Moldova, the Netherlands, Poland, Republic of the Congo, Romania, Rwanda, Seychelles, Slovakia, Slovenia, Somalia, South Korea, Sudan, Switzerland, Tanzania, Uganda, Ukraine, Yemen, and Zambia, and claims in countries in the U.S. Central Command area of responsibility not specifically assigned to the Department of the Air Force or the Department of the Navy in Paragraphs 3.1.b. and 3.1.c.

(2) Acts as the receiving State office for the United States under the NATO SOFA, agreements supplemental to the NATO SOFA, and other international agreements with countries not covered by the NATO SOFA.

**b. Department of the Navy.** The Department of the Navy adjudicates claims arising in Bahrain, Benin, Cape Verde, Cote D'Ivoire, Djibouti, Guinea, Guinea-Bissau, Greece, Iceland, Israel, Italy, Kenya, Liberia, Mali, Mauritania, Mozambique, Niger, Nigeria, Portugal, São Tomé and Príncipe, Senegal, Sierra Leone, Spain, The Gambia, Togo, and the United Arab Emirates.

**c. Department of the Air Force.** The Department of the Air Force adjudicates claims arising in Algeria, Australia, Azores, Botswana, Canada, Cyprus, Denmark, Egypt, France, Ghana, India, Japan, Jordan, Lesotho, Libya, Luxembourg, Madagascar, Malawi, Mauritius, Morocco, Namibia, Nepal, Norway, Oman, Pakistan, Qatar, Saudi Arabia, South Africa, Swaziland, Tunisia, Turkey, Western Sahara, Zimbabwe, and the United Kingdom; and claims involving or generated by the United States Special Operations Command that arise in countries not specifically assigned to the Department of the Army or the Department of the Navy in Paragraphs 3.1.a. and 3.1.b.

**3.2. WRITTEN AGREEMENTS BETWEEN MILITARY DEPARTMENTS.** A Military Department assigned responsibility for adjudicating claims pursuant to Paragraph 3.1. may enter into a written agreement with another Military Department regarding such claims except that each Military Department will settle its respective claims arising under Sections 2733 and 2738 of Title 10, United States Code.

## GLOSSARY

### G.1. ACRONYMS.

GCC	Geographic Combatant Commander
GC DoD	General Counsel of the Department of Defense
NATO	North Atlantic Treaty Organization
SOFA	Status of Forces Agreement

**G.2. DEFINITIONS.** These terms and their definitions are for the purpose of this issuance.

**receiving State.** Defined in section 1(e) of Article I of the NATO SOFA.

**sending State.** Defined in section 1(d) of Article I of the NATO SOFA.

## **REFERENCES**

- DoD Directive 5145.01, “General Counsel of the Department of Defense (GC DoD),”  
December 2, 2013, as amended
- DoD Directive 5525.1, “Status of Forces Policy and Information,” August 7, 1979, as amended
- North Atlantic Treaty Organization Status of Forces Agreement, 4 United States Treaty 1792,  
Treaties and Other International Acts Series 2846
- United States Code, Title 10
- United States Code, Title 31, Section 3711
- United States Code, Title 32, Section 715
- United States Code, Title 42