REQUEST FOR RECORDS DISPOSITION AUTHORITY

(See instructions on reverse)

JOB NUMBER *N1-AU-03-23*

DATE RECEIVED *7/22/03*

TO   National Archives and Records Administration (NIR)
8601 Adelphi Road, College Park, MD 20740-6001

NOTIFICATION TO AGENCY

In accordance with the provisions of 44 U S C 3303a the disposition request, including amendments, is approved except for items that may be marked "disposition not approved" or "withdrawn" in column 10

1 FROM (Agency or establishment) U.S. Army	
2 MAJOR SUBDIVISION U.S. Total Army Personnel Command	
3 MINOR SUBDIVISION Records Management Division	

4 NAME OF PERSON WITH WHOM TO CONFER	5 TELEPHONE	DATE	ARCHIVIST OF THE UNITED STATES
Betty S Burton	703-806-4388	2/21 l 03	

6 AGENCY CERTIFICATION

I hereby certify that I am authorized to act for this agency in matters pertaining to the disposition of its records and that the records proposed for disposal on the attached   5   page(s) are not now needed for the business of this agency or will not be needed after the retention periods specified; and that written concurrence from the General Accounting Office, under the provisions of Title 8 of the GAO Manual for Guidance of Federal Agencies,

☐ is not required,   ☐ is attached, or   ☒ has been requested.

DATE	SIGNATURE OF AGENCY REPRESENTATIVE	TITLE
30 June 03	HOWARD N GREENHALGH	Director, Records Management Division

7 ITEM NO.	8 DESCRIPTION OF ITEM AND PROPOSED DISPOSITION	9 GRS OR SUPERSEDED JOB CITATION	10. ACTION TAKEN (NARA USE ONLY)
	BACKGROUND The U S Army Claims Service (USARCS), a field operating agency of the Office of The Judge Advocate General, is the primary agency responsible for settlement of claims filed against the U.S. Army and Department of Defense agencies worldwide. Claims are processed by the USARCS and over 100 field offices located around the world. At present, all files are forwarded by field offices to USARCS prior to retirement to the Washington National Records Center where they are retained for ten years prior to destruction The USARCS wishes to shorten this retention period. The 10-year period is in excess of the statutes of limitations applicable to the claims Generally, tort claims have no value beyond the business process except pending payment actions or appeal periods of litigation. Claims involving medical malpractice would be forwarded to the Department of Legal Medicine (DLM), Armed Forces Institute of Pathology to permit that agency to perform its mission to review such files. DLM would assume responsibility for retirement or destruction of such files IAW approved schedule. AR 27-20 - Claims, prescribes the procedures for investigating, processing and settling claims against and in favor of the United States under the authority conferred by certain statutes, regulations, international and interdepartmental agreements and Department of Defense directives The proponent of this AR is The Judge Advocate General (TJAG). Claims records are covered by a Privacy Act System Notice.		

SH 7/23/08 copies sent to Agey, NWME, NWMW, NR

7 ITEM NO.	8 DESCRIPTION OF ITEM AND PROPOSED DISPOSITION	9 GRS OR SUPERSEDED JOB CITATION	10 ACTION TAKEN (NARA USE ONLY)
	Basic information about all tort claims filed at USARCS and their field offices is maintained in the Tort and Special Claims Database (TSCD). The system is primarily an indexing system of claims, with provision for tracking significant actions on claims and for limited descriptive annotations. Claims arise worldwide. The database serves all users as an index to active and retired claim files, serves all users as record of claims whose files have been destroyed after required retention period has ended, enables attorneys and investigators working on a claim to log and track key actions taken on the claim, provides management at USARCS headquarters and at satellite field offices with statistics on active and settled claims, and provides personnel retiring claims with a list of the claims contained within a given records retention box. The database contains all claims filed since its inception in 1988. The input to the system consists of basic information about a claim record: claimant name and address, claim number, date of incident, date claim filed, name and address of attorney (if any), key actions on claim (e.g., payment, denial, retirement of file). Input is abstracted from tort claim files scheduled under file numbers 27-20f and 27-20g. Also, the USARCS intends to retain the SF 95 (Claim for Damage, Injury or Death) form and such records as provide proof of final action on the claim, such as a settlement agreement or denial letter, by scanning them and putting them into the system. No input is deleted. All output is paper and consists of screen shots of a claim record to help track paper files, statistical reports, and lists of claimant names and claim numbers of files being retired in a record retention box for insertion into the box as an index of its contents. Statistical reports concern the total number of claims open, settled, and retired, the total amounts involved, how many open claims each attorney and/or field office currently has, etc. Output claims reports are scheduled under 27-20e. System administrative reports are scheduled under 25-1lll. Access to the Tort Claims Database requires successful login to JAGCNet (the JAG Corps' Intranet and Knowledge Management System). Once completed, users may then login to the Tort Claims database by supplying yet another login and password. Both JAGCNet and the Tort Claims database operate on the proprietary NIPRNet managed by the US Army. The tort application (et al) uses reverse-lookup logic to ensure that all users are routed from JAGCNet and have been authenticated as JAG professionals via the JAGCNet AGCNet login process. See attached AIS Survey for more detailed information about the system. The database is backed up to a separate hard disk and to tape daily. Tape backups are maintained off-site. Backups are scheduled under 25-1nnn and system documentation and specifications under 25-1mmm.		

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	With the exception of one file number which is being rescinded (27-20t - Agency claims), all file numbers dealing with tort claims are consolidated into one file number - 27-20g. Personal Property Claims will continue to be maintained under 27-20a, 27-20n and 27-20v as scheduled under NN-173-91, NN-163-152 and NC1-AU-79-20. The proposed disposition instructions on this SF 115 apply to records in all media and formats.		
1	FN: 27-20d Title: Claims Journals Authority Privacy Act: A0027-20aDAJA Description: Information pertaining to claims and settlement of claims filed against the U S. Army. Claim Journals consist of DA Form 1667, Claims Journal for (Personnel) (Tort)(Affirmative) Claims They give a brief description of each claim received by a claims office in a given fiscal year claim number, claimant name, date of incident, place of incident, and very brief description (e.g., vehicle accident, medical malpractice, etc). Disposition· KE6. Event is when no longer needed to manually document claims filed. Keep in CFA until event occurs and then until no longer needed for conducting business, but not longer than 6 years after the event, then destroy	NC1-AU-83-43	
2	FN: 27-20e Title: Claims database record printouts and statistical reports Authority: Privacy Act: A0027-20aDAJA Description: Information containing statistical reports concerning number of claims open, settled and retired, total amounts involved, how many open claims each attorney and or field office currently has, etc. Also includes printouts used to help track paper files and files being retired. Disposition: Code K6. Keep in CFA until no longer needed for conducting business, but not longer than 6 years, then destroy.	NC1-AU-83-41	
3	FN: 27-20f Title: Records of Potential Claims Authority: Privacy Act A0027-20aDAJA Description: Information showing the results of investigation of accidents and incidents which could, but do not, cause the filing of a claim. Included are investigation reports, marine casualty investigation reports, statements of witnesses, and related information Disposition: KE6. Event is expiration of statutes of limitation. Keep in the CFA until event occurs and then until no longer needed for conducting business, but not longer than 6 years after the event, then destroy.	NN-163-152	

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	File Number 27-20b, 27-20c, 27-20h, 27-20i, 27-20j, 27-20k, 27-20m, 27-20p and 27-20q have been consolidated into 27-20g.		
4	FN: 27-20g Title: Tort and Affirmative Claims Authority: Privacy Act. A0027-20aDAJA Description: Case files on claims against, or for, the Army for damage, loss, or destruction of private property, personal injury or death resulting from negligence or wrongful acts, or omission of acts by military personnel and civilian employees Included are: a. Foreign claims. Claims against the US by inhabitants of a foreign country or by a foreign government or a political subdivision for damage, loss or destruction of private property, or personal injury or death caused by Army military personnel or civilian employees stationed in the country concerned (Formerly 27-20b.) b. Local foreign claims Claims arising in foreign countries for personal injury or death, damage, loss, or destruction of public or private property; any connection with provisions of contracts, leases, or other instruments. (Formerly 27-20c) c Non-combat activity claims. Claims against the Government for personal injury or death or for damage, loss, or destruction of personal and real property caused by Army and Army National Guard military personnel and civilian employees involved in non-combat activities (Formerly 27-20h.) d. Non-scope of employment claims. Claims against the Government not recognizable under any other provision of law. The claims are settled under the Non-Scope Claims Act, 10 USC 2737, for damage to, or loss of property, personal injury or death caused by a member of the Army or a civilian employee of the Army. These are case files on claims which arose on and after 9 Oct 62 incident to the use of a vehicle of the United States at any place, or any other property of the US Government installation. (Formerly 27-20i.) e. Non-appropriated fund claims Claims against non-appropriated fund activities for damage, loss, or destruction of property, and personal injury or death. (Formerly 27-20j) f Army property damage claims. Claims in favor of the Army for damage, loss, or destruction of Army property. (Formerly 27-20k) g Medical expense claims. Claims in favor of the Army for the cost of medical care furnished authorized persons for injuries or diseases caused by wrongful or negligent acts or omission of their parties. (Formerly 27-20m) h NATO claims. Claims for damage, loss, or destruction of real and personal property, or personal injury or death, caused by North Atlantic Treaty Organization foreign nations in the US or its territories (Claims against US forces stationed in NATO countries are settled by and under the laws of the country concerned.) (Formerly 27-20p.) i. Maritime claims. Claims in favor or against the Army for salvage or towage of maritime property, damage, loss or destruction of property, or personal injury or death. Includes claims arising from violations of 33 USC 408. (Formerly 27-20q.)	NN-173-91	

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	Disposition: KE6. Event is final payment, expiration of appeal period, or litigation is complete; whichever is applicable. Keep in CFA until event occurs and then until no longer needed for conducting business, but not longer than 6 years after the event, then destroy.		
5	~~FN 27-20x~~ Title: Tort and Special Claims (TSCD) Masterfile. The TSCD is a government system designed to provide basic information about all tort claims filed at USARCS and their field offices. The system is primarily an indexing system of claims, with provision for tracking significant actions on claims and for limited descriptive annotations. Included is claimant name and address, claim number, date of incident, date claim filed, name and address of attorney (if any), key actions on claim (e.g., payment, denial, retirement of file). Disposition: ~~PERMANENT. Code TP. Retire a copy of the database annually to the AEA. The AEA will transfer database to the National Archives when 15 years old in a format that meets NARA standards at the time of transfer.~~ TE75. Event is when no longer needed for administrative or other operational purpose; whichever applies. Delete 75 year later.	*28 July 2003*	*Army Concurs with Changes*
6	The electronic version of all records on this schedule that are created by electronic mail or word processing applications will be ~~deleted when the file copy is generated or when no longer needed for reference or updating; whichever is later.~~	*11/24/04*	*See attached Continuation Sheets Army Concurs With Changes*

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5	FN: 27-20x		
	Title: Tort and Special Claims (TSCD) Masterfile		
	Authority. TDB		
	Privacy Act· A0027-20aDAJA		
	Description· The TSCD is a government system designed to provide basic information about all tort claims filed at USARCS and their field offices. The system is primarily an indexing system of claims, with provision for tracking significant actions on claims and for limited descriptive annotations. Included is claimant name and address, claim number, date of incident, date claim filed, name and address of attorney (if any), key actions on claim (e.g., payment, denial, retirement of file).		
	Disposition: PERMANENT. Code TP. Retire a copy of the database annually to the AEA The AEA will transfer the record to the National Archives when it is 5 years old in a format that meets NARA standards.		
6	FN: 27-20x1		
	Title: Tort and Special Claims (TSCD) System Specification and Documentation		
	Authority· TDB		
	Privacy Act· A0027-20aDAJA		
	Description· Pertains to all documents used to identify, service, and interpret TSCD data. Included are user guides and manuals relating to the system architecture, indexing criteria (for retrieval), field definitions, records layout, data elements, and code books that identify and interpret all codes used to record data.		
	Disposition· PERMANENT. Code TP. Transfer to the National Archives at the same time related data in		

	the master file is transferred to NARA.		
7	FN. 27-20y		
	Title Structured Settlement Files		
	Authority: TDB		
	Privacy Act: A0027-20aDAJA		
	Description: Case files on tort claims against the Army for which the claimant has signed a settlement agreement which will provide for a trust account or an annuity payable for a specific term and/or for the life of the claimant.		
	Disposition: KE 5 Event is settlement of claim. Keep in CFA until event occurs, then transfer the record to the RHA. Hold in the RHA for life of trust or annuity plus 6 months To ensure no litigation is pending, the RHA will not destroy the file until advised in writing to do so by the US Army Claims Service.		
8	~~The electronic version of all records on this schedule~~ created by electronic mail or word ~~processing~~ systems will be deleted ~~when the~~ file copy is generated ~~or when no~~ longer needed for reference or ~~updating; whichever is later.~~	*GRS 20, item 13* *GRS 24, item 12a*	

115-205   Two copies, including original, to be submitted   STANDARD FORM 115-A (REV 3-91)
                 to the National Archives and Records Administration   Prescribed by NARA
                                                                                          36 CFR 1228