MANUAL ANIATION ADMINISTRATION ASTER REFERENCE FILE DIRECTIVES

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TORT CLAIMS



JANUARY 23, 1969

DEPARTMENT OF TRANSPORTATION
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FOREWORD

- 1. PURPOSE. This handbook prescribes procedures for the processing and settlement of (1) claims for money damages for injury or loss of property or personal injury or death asserted against the Federal Aviation Administration under the Federal Tort Claims Act; and (2) claims, asserted by the Federal Aviation Administration against any person, for money damages for injury or loss of property.
- 2. <u>CANCELLATIONS</u>. 2250.1, FAA Tort Claims Handbook and 2250.5, Federal Tort Claims Delegation of Authority, are cancelled.
- 3. EXPLANATION. The handbook:
 - a. Implements the provisions of the amendments to the Federal Tort Claims Act, July 18, 1966, effective January 18, 1967; the Attorney General's Regulations governing Agency Consideration of Claims, 28 C.F.R. Part 14; and, in respect to tort claims of the Government, the Joint Regulations of the General Accounting Office and the Department of Justice for administrative collection, compromise and termination of claims, 4 C.F.R., Chapter 2, Part 101 et. seq.
 - b. Delegates to Regional and Center Directors, the Assistant Administrator for the Europe, Africa and Middle East Region, the Director, Bureau of National Capital Airports and the Manager, Headquarters Operations the authority to consider, ascertain, adjust, determine, compromise and settle tort claims for money damages for or against the agency, subject to limitations; and the authority to redelegate.
 - c. Delegates to the General Counsel, Federal Aviation Administration, the authority to consider, ascertain, adjust, determine, compromise and settle any tort claim for money damages, for or against the agency, which exceeds \$25,000 or arises from an aircraft accident and exceeds \$5,000, subject to limitations; and the authority to
 - d. Specifies the reporting and processing procedures in the handling of tort claims.
 - e. Establishes the responsibilities of Responsible Administrative Officers and the General Counsel and their designees, in the investigation and documentation of claims for or against the agency.

4. SCOPE.

a. This handbook will be utilized in agency-wide practices governing the handling of claims, potential claims and legal remedies which

are subject to the Federal Tort Claims Act and the Federal Claims Collection Act. As originally enacted in 1946, the Federal Tort Claims Act provided an administrative or legal remedy against the United States, subject to certain exceptions, as provided therein, eliminating the inherent defense of sovereign immunity. The Act provided for the administrative adjustment of claims for \$2,500 or less (prior to 1959: \$1,000). Administrative agencies had no authority to effect disposition of tort claims exceeding the foregoing sum, nor to enter into a negotiated compromise settlement to dispose of doubtful or nuisance type claims. Claimants were required to initiate an action in court to recover claims exceeding \$2,500 (prior to 1959: \$1,000). The Attorney General, however, possessed authority to compromise or settle any claims after the commencement of an action.

- b. Under the Amendments of the Federal Tort Claims Act, P.L. 89-506, effective January 18, 1967, claims may be administratively considered in any amount. Awards exceeding \$25,000, however, and, generally, those matters involving new precedents, policy, indemnity, contribution, or disposition of related claims in which the amount to be paid may exceed \$25,000, require prior written approval of the Attorney General or his designee. The agency is, additionally, required to transmit a request for such approval through the Secretary of The Department of Transportation.
- c. Those vested with the authority granted by the new amendments have substantial responsibilities, and their deliberations or determinations may have far reaching effect upon the agency, the Government and the lives of individuals claiming under them. The fact that claims may now be administratively adjudicated in any amount will not significantly affect the manager's program responsibility, since settlements in excess of \$2,500 are no longer paid from FAA appropriations.
- Tort claims against the agency require an informed initial analysis of the available facts, so that the need for further or exhaustive investigation can be determined. The investment of agency resources, in terms of funds and man-hours, must be the product of a subjective decision based upon the importance of the subject matter. Consideration must be given to exposure, in terms of dollars, and the existence or absence of liability. If injury or loss of property or personal injury or death, possibly caused by the negligent or wrongful act or omission of any employee of the agency while acting within the scope of his office or employment, occurs under circumstances where the United States, if a private person, would be liable to the claimant in accordance with the law of the place where the act or omission occurred, immediate steps should be taken to document all facts through an adequate investigation even though a claim is not submitted immediately. Incidents will occur in which it is not easy to foresee either Government responsibility

or the right, on behalf of the agency, to recover losses. In such cases, if the possible impact on either the Government or its employees appears substantial, an investigation to document all known or ascertainable facts should be initiated. In this manner an adequate resolution of the problem may be assured through preservation of the evidence.

- e. A tort claim may arise against the agency because of the conduct of any of its activities. Reliance should not, for the purpose of investigation, be placed in a determination that the employee involved was acting outside the scope of his official duty.
- Tort claims favoring the agency may arise when the agency's property is damaged or destroyed because of automobile or aircraft accidents, explosions, fire, construction activities, sabotage, or other tortious interference with its activities. When the cause is attributable, in whole or in part, to a person not acting within the scope of his responsibility as an agency employee, a cause of action favoring the government may accrue. Investigations conducted in support of tort claims, which appear to favor the agency, shall be comparable to those conducted when tort claims are made against the agency. The authority, however, of the agency in effecting recovery against third persons for tort claims may be governed by the provisions of the Federal Claims Collection Act of 1966, P.L. 89-508, 80 Stat. 309. The authority of the head of the agency. pursuant to the Federal Claims Collection Act, in compromising or terminating claims without collection, is limited to those not exceeding \$20,000. Claims exceeding that amount must be referred to the Comptroller General (Claims Division, GAO) for disposition in accordance with the procedures prescribed by 2700.7a, or, if litigation is required, to the A.torney General.

Oran Bakka

Oscar Bakke For the Acting Administrator

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CHAPTER 1. GENERAL

- i. $\frac{\text{DEFINITIONS}}{\text{meaning set forth below:}}$
 - a. Accident. The term "accident" as used in this handbook, refers only to those occurrences which cause death, personal injury or property damage and which, as a consequence, may result in a claim by or against the agency.
 - b. Act. The Federal Tort Claims Act, as amended.
 - c. Agency. The Federal Aviation Administration.
 - d. <u>Aircraft accident</u>. An occurrence resulting from the operation of an aircraft whether such operation was for the purpose of air navigation or otherwise.
 - e. <u>Employee</u>. Includes officer and employees of the agency and persons acting on behalf of the agency in an official capacity, temporarily or permanently in the service of the agency, with or without compensation.
 - f. Federal Agency. Includes the executive departments and independent establishments of the United States, and corporations primarily acting as instrumentalities or agents of the United States but does not include any contractor with the United States.
 - g. General Counsel. Includes the General Counsel of the Federal Aviation Administration and any person to whom he has delegated his authority in the matter concerned.
 - h. <u>Legal Counsel</u>. The General Counsel, Regional Counsels, Aeronautical Center Counsel, NAFEC Counsel and attorneys of their staffs.
 - Organizational Unit. Office, Service, Bureau, Region, Area or other major segment of the FAA, cited specifically hereinafter.
 - j. Tort Claim. Any claim for money damages against the United States accruing on or after January 1, 1945, for injury or loss of property or personal injury or death by the negligent or wrongful act or omission of any employee of the Government while acting within the scope of his office or employment but excludes losses of employees incident to service.

2. DELECATION OF AUTHORITY.

a. Claims against the agency.

- Capital Airports, the Assistant Administrator for the Europe, Africa, and Middle East Region, and the Associate Administrator for Administration are designated Responsible Administrative Officers. They are authorized, pursuant to the authority contained in Section 403(a) of the Federal Tort Claims Act, as amended, occurring under circumstances where the agency, if a private person, would be liable to the claimantrin accordance with the law of the place where the act or omission occurred, and in respect to activities or employees under their jurisdiction to:
 - (a) Consider, ascertain, adjust, determine and settle such claims, asserted in the amount of \$2,500 or less, (if prior to 1959: \$1,000 or less) which accrued after January 1, 1945, and prior to January 18, 1967. Claims of more than \$2,500 which accrued during that period (if prior to 1959: \$1,000), must be asserted by suit against the United States. The United States is defended by the Department of Justice and there is no limit of the amount which can be paid under a compromise settlement entered into by the Attorney General.
 - (b) Consider, ascertain, adjust, determine, compromise, and settle any such claim which accrued after January 18, 1967, and is asserted in an amount not exceeding \$25,000, subject to the requirement for coordination with the Department of Justice, as determined by the legal counsel, and excepting those claims classified as aircraft accidents, which involve personal injury, or death, or injury or loss of property exceeding \$5,000.
- (2) If the tort claim accrued after January 18, 1967, and is asserted in an amount exceeding \$25,000, or arises from an aircraft accident, involving personal injury, or death, or injury, or loss of property exceeding \$5,000, the General Counsel, Federal Aviation Administration, shall consider, ascertain, adjust, determine, compromise, and settle such claim subject to the limitations of 14 CFR 14.6, which provides for consultation with the Attorney General, and 49 CFR Part 1, which provides that requests to the Attorney General for approval of settlements for any amount exceeding \$25,000, must be forwarded through the Secretary of Transportation.

b. Claims by the agency. The Responsible Administrative Officers, the General Counsel or their designees may adjudicate, collect and settle tort claims of the agency except that the authority to compromise, terminate or suspend collection action on claims due the agency in excess of \$20,000 is limited by the provisions of the Federal Claims Collection Act of 1966; the Federal Claims Collection Standards 4 CFR 100 et. seq.; 49 CFR Part 89 and Federal Aviation Administration Order 1100.3.

3. REDELEGATION.

- a. Responsible Administrative Officers may redelegate the authority to take final action of approval, compromise, or denial of claims to their respective regional or center counsel. In the case of the Director, Bureau of National Capital Airports, the Associate Administrator for Administration and the Assistant Administrator for the Europe, Africa and Middle East Region, such authority may be redelegated only to the General Counsel, Federal Aviation
- b. The General Counsel may redelegate the authority contained in paragraph 5a(2) or received under paragraph 6a, to a Responsible Administrative Officer, or the Associate General Counsel, Litigation Division, provided that all requests to the Attorney General for approval of settlements must be forwarded through the General Counsel.

4. REPORTING AND PROCESSING RESPONSIBILITIES.

- a. Responsible Administrative Officer. The Responsible Administrative Officers shall have the responsibility for implementing and applying agency policy and procedures, assuring the adequacy of investigations, establishing the facts in claims, by or against the agency, and approving or disapproving each claim as to collection, payment, the amount of payment, or the final denial of such claims. No Officer unless he has received a written opinion as to legal liability, or the extent thereof for the particular claim, from the legal counsel.
- b. General Counsel. In respect to the authority delegated in paragraph 5a(2) the General Counsel shall have the responsibility for implementing and applying agency policy and procedures, assuring the adequacy of investigations, establishing the facts in claims, by or against the agency, and approving or disapproving each claim, as to collection, payment, the amount of payment, or the final denial of such claims.
- c. Administrative Service. The Administrative Services Division, and counterparts, or their designees are responsible for the conduct of or arranging for the conduct of investigations of all accidents which result in tort claims (except those involving aircraft

operated under their own power) and for the administrative processing of all tort claims. All investigations shall be responsive to the requirements of the concerned legal counsel.

- d. Compliance and Security. The responsible administrative officer or his designee, ASD or legal counsel will utilize the professional investigative staff of the appropriate Compliance and Security element to investigate all cases involving personal injury and all cases where property damage exceeds \$2,500.00.
- Legal Counsel. The legal counsel shall provide a written opinion as to liability with respect to each claim considered by the agency. The issuance of an opinion should be predicated on the review of all available or obtainable evidence, which is relevant and material, and will consist of (1) a summary of the material, relevant facts, (2) citation and discussion of applicable local law, both statutory and judicial, (3) a finding as to whether the employee was acting within the scope of his employment, (4) conclusions of law, including the legal principles and reasoning involved, (5) an opinion on liability including a conclusion on the adequacy of the proof of damages, where appropriate, (6) an expression of opinion as to the real value of the claim, if liability were present, and its value, for settlement purposes, considering the extent of liability or probable result of litigation, (7) statement establishing the most appropriate method for obtaining an effective release, i.e., convenant not to sue, general release, consent judgment, etc., under local law, considering potential claims for contribution or indemnity as well as future demands of the claimant, (8) a recommendation as to whether settlement negotiations should be initiated, and (9) a determination of whether the proposed award, compromise or settlement requires the approval of the Attorney General's Regulations, 14 CFR 14.6. The original of the written opinion shall be addressed to the Responsible Administrative Officer, or the file if the legal counsel possesses the authority delegated pursuant to paragraph 6 above. A copy of each such opinion shall be forwarded to Associate General Counsel, Litigation Division, at the time the original is transmitted. The legal counsel shall also be responsible for the conduct of any negotiations with a claimant in a case involving personal injury and in cases of property damage involving sums exceeding \$5,000.
- Employee. An employee shall report promptly to his supervisor any accident or incident in which he is involved, and which casues personal injury or property damage, whether it gives rise to a claim or not. He shall record the facts at the scene of the accident, and prepare any reports required in connection therewith. The names, addresses, and telephone numbers of parties and

witnesses should be recorded at the scene of the accident. He should not discuss the matter with and should not furnish a written statement to any person other than an authorized agency employee or law enforcement official without clearance from legal counsel. The employee shall make no oral or written statement regarding his or the agency's negligence, liability, or responsibility except upon request of an authorized agency official.

g. Employee's Supervisor. The official exercising supervisory authority over the employee shall instruct the employee with respect to reporting the accident. He shall provide the employee with the telephone numbers of the responsible persons to be called in case of accident, and shall provide him with the prescribed forms for recording information pertaining to accidents, including motor vehicle accidents. He shall notify the legal counsel promptly of any accidents causing personal injury and shall also report any accidents causing property damage, promptly, if he believes immediate legal advice would be beneficial to the agency. He shall also notify the Responsible Administrative Officer and make all other notifications as listed in paragraph 11c below.

5.-10. RESERVED

CHAPTER 2. PROCEDURES

11. REPORTING ACCIDENTS.

- a. General Provisions. This paragraph prescribes policies, methods, and forms for use by agency employees, supervisors, investigation officers, and persons acting in their stead, in the reporting of accidents involving agency personnel, property, or operations, and which cause injury or property damage to another. It establishes uniform procedures to be used by agency personnel to provide the facts in each case of injury or loss of property or personal injury or death, which may give rise to a claim, either for or against the agency.
- b. Involved employees shall report accidents as follows:
 - (1) To immediate supervisor.
 - (2) To State, county, municipal or other authorities, as required by law.
 - (3) Notifications required in c. and d. below if, for any reason, the employee is unable to contact the supervisor within the specified time period.
- c. When notified of damage or loss of property or personal injury or death resulting from an accident the immediate supervisor is responsible for the following notifications:
 - (1) All notifications required above, of the employee, if not otherwise accomplished for any reason, including the disability or death of the employee involved.
 - (2) When a GSA leased vehicle is involved, the appropriate GSA Motor Pool will be advised through the Administrative Services Division or designee.
 - (3) The legal counsel when an accident causes personal injury or extensive property damage.
 - (4) The Administrative Services Division, including accidents involving (1) agency-owned or leased aircraft, and (2) rental aircraft and privately-owned aircraft being used on official business, excluding all other aircraft accidents.
 - (5) The initial notification, to the NTSB, of aircraft accidenus,
 - (6) The Occupational Safety Officer in accordance with Handbook PT P 3900.5.

d. Time of Notification:

- Notifications concerning personal injury accidents shall be made as soon as practicable, not to exceed 24 hours, by telephone or telegram.
- (2) Notifications concerning accidents causing major property damage (exceeding \$250.00 in motor vehicle accidents and \$500.00 for all others) shall be made within 48 hours.
- (3) Notifications concerning minor property damage shall be made within seven working days.

e. Report Forms:

- (1) Employees and supervisors shall submit the following report forms in accordance with established routing, as applicable:
 - (a) Motor Vehicles. Operator's Report of Motor Vehicle Accident, Standard Form 91, to be submitted immediately following the accident (see Appendix 1). The reporting requirement applies to rental vehicles and privately-owned vehicles utilized in the conduct of agency business. (Review also the provisions of Handbook 4600.7).
 - (b) General-accidents other than motor vehicles. Standard Form 92-A (see Appendix 2). This form is used for accidents other than motor vehicle where injury to other than FAA personnel or non-federal property results from FAA operations.
 - (c) Supervisor's Report of Accident-Motor Vehicles or General. FAA Form 2955 (see Appendix 2, PT P 3900.3 and PT P 3900.5)
 - (d) <u>Witnesses</u>. Standard Form 94 Statement of Witness, unless obtained in some other form or a statement cannot be obtained at all (see Appendix 7).
 - (e) Fire. FAA Form 2961 (see Appendix 8 Review also the provisions of PT P 3900.5).
 - (f) Data bearing upon Scope of Employment of Motor Vehicle
 Operator. Optional Form 26 (see Appendix 3). This
 report must be furnished in order that a determination,
 within the meaning of 28 USC 2679, may be made as the
 basis for termination of actions brought against employees.
 Under the foregoing statute the remedy, in an action
 arising out of the operation of a motor vehicle, against
 any employee acting within the scope of his office or
 employment is, exclusively, by suit or claim against
 the United States.

- (g) Aircraft Accidents: NTSB Forms 6120.1 or 6120.2, as applicable (formerly CAB Forms 453 or 454). Review 14 CFR, Part 430, to determine applicability if any question arises.
 - The pilot, or operator is required to submit the above forms to the NTSB in the case of an aircraft accident within the meaning of the definition set forth in the Board's Safety Investigation Regulations, 14 CFR, Part 430.
 - In order to satisfy the reporting requirements of this Handbook a separate Form 6120.1 or 6120.2 shall be prepared and submitted through the employee's supervisor to report occurrences within the definition of accident provided in Par. 4(d) herein.
- (h) When forms specified above are unavailable, or insufficient to convey, suitably, the details of the accident or incident furnish a supplemental memorandum concisely stating the pertinent facts or elements.

12. TORT CLAIMS.

a. Filing.

(1) Asserting a Claim. The claimant must, in accordance with P.L. 89-506, 28 U.S.C. 2675, present a claim to the agency. This applies to claims accruing on or after January 18, 1967. Claims accruing prior to January 18, 1967 need not be presented to the agency, but if submitted may not be administratively resolved unless asserted in the sum of \$2,500 or less.

(2) Method.

- (a) Claims are presented by the submission of an executed, properly completed, Standard Form 95 to the Responsible Administrative Officer or his designee, or, if the subject of an aircraft accident involving injury or damage claim in excess of \$5,000, or asserted in a sum exceeding \$25,000, to the Associate General Counsel, Litigation Division, Federal Aviation Administration.
- (b) A claim shall be deemed presented when the agency receives from a claimant, his duly authorized agent or legal representative, written notification of an incident together with a claim for money damages, in a sum certain for damage to or loss of property or personal injury or death. The submission should be supplemented, however, with a properly executed Standard Form 95.

- (c) If a claim is received by a person other than the Responsible Administrative Officer or his designee, or the Associate General Counsel, Litigation Division, it should be transmitted forthwith to the Responsible Administrative Officer or Associate General Counsel, Litigation Division, as required in subparagraph (a) above.
- (3) Time of Filing. Claims may be presented at any time within two years after accrual.

b. Processing.

- (1) Acknowledgement. Each claim will be acknowledged, in writing, by the Responsible Administrative Officer, or the Associate General Counsel, Litigation Division. The claimant will be informed of the date his claim was filed.
- (2) Status. Upon inquiry, the claimant shall be advised by the Responsible Administrative Officer, or the Associate General Counsel, Litigation Division, or designee, of the status of his claim. If final adjudication will not be achieved within 6 months of the filing date the claimant will be advised, prior to expiration of the 6 month period, that his claim has not been denied and that his judicial remedy is not extinguished until six months subsequent to final denial.

(3) Investigation.

- (a) Time. Claims cognizable under the Federal Tort Claims Act will be investigated and processed in order that an adjudication may be made, if otherwise feasible, within the six months prescribed by statute.
 - 1 Minor accidents, those involving property damage of \$25.00 or less, will normally be investigated by the employees supervisor or his designee, who shall be responsible for completion and submission of the required report forms, normally within seven working days following the accident.
 - 2 Accidents involving property damage not exceeding \$2,500.00 will be investigated by the Administrative Services Division or their designee.
 - Accidents involving personal injury or property damage exceeding \$2,500.00 will be investigated by the Compliance and Security Staff or Division.

(b) Method.

- Review of standard forms together with statements and other documentation prescribed by law or other authority may adequately furnish the basis for a determination of liability, non-liability or consideration of an offer in compromise.
- Review of supporting investigation data, which the investigation shall include wherever possible, such as photographs, measurements, medical reports, police reports and witness statements.
- When establishment of additional factual information 3 is necessary, it shall be obtained in the form and manner required for preservation and utilization in litigation proceedings. It shall be accomplished at the direction of the Responsible Administrative Officers, the General Counsel or their designees or the Administrative Services Division. investigation may require the utilization of compliance and security officers to document and resolve conflicting facts or accounts of an accident or incident; flight operations, air traffic control and other aeronautical experts to advise on technical matters; audit officials to resolve financial questions or conflicting data furnished in support of damage computations; medical officers to obtain and review medical histories and records to determine the causal relationship between the accident and alleged injury or disease and the extent or degree of permanency in injury claims; or other persons having particular qualifications in the obtaining or analysis of information.

13. CLAIMS REQUIRING REFERRAL TO THE ATTORNEY GENERAL OR THE DEPARTMENT OF JUSTICE.

a. Claims exceeding \$25,000. Proposed awards, compromise, or settlements of claims in sums exceeding \$25,000, shall be referred to the Attorney General or his designee through the General Counsel, Federal Aviation Administration, in accordance with the determination of the legal counsel as provided in paragraph 7e; and through the Secretary of Transportation, in writing and with (1) a short and concise statement of the facts and of the reasons for the referral or request, (2) copies of relevant portions of the agency's claim file, and (3) a statement of the recommendations or views of the agency.

b. Referrals to the Department of Justice. When consultation with the Department of Justice is required in cases involving new precedent or points of law, questions of policy, or other reasons set forth in the Attorney General's Regulations, 14 C.F.R. 14.6, the referral shall be submitted, in the form provided in 13a above, to the General Counsel, Federal Aviation Administration, for transmission to the Assistant Attorney General, Civil Division, Department of Justice.

14. CLAIM BY THE AGENCY.

- a. Against private or third parties.
 - (1) <u>Demand</u>. Administrative claims for recovery of damages suffered by the agency may be asserted by the Responsible Administrative Officer or his designee. A copy of each demand letter will be furnished the accounting division.
 - Release. If there is no doubt regarding liability, and payment is tendered upon demand, the adverse party shall be issued a release of all government property claims, arising out of the accident or incident, which shall be reviewed by the legal counsel. Releases shall be executed by the Responsible Administrative Officer or his designee. The transaction shall be recorded and reported in the manner provided in paragraphs 24 and 25.
 - (3) Disputed Claims. If there is any doubt of the validity of such a claim it shall be referred to the legal counsel for an opinion. The opinion shall be issued, after such additional investigation deemed required by the legal counsel, in substantially the same manner as required by paragraph 7e. The authority provided under the Federal Claims Collection Act of 1966, P.L. 89-508, 80 Stat. 309 may be utilized in the disposition of claims, not exceeding \$20,000, whether by compromise, settlement, or termination.
- b. Against employees. Accidents or incidents involving agency personnel or property may be the subject of a claim by the agency, for damages, because the damage or injury is associated with an unauthorized act, or use of the property, by the employee. Such claims may be made whether the employee was or was not negligent. The employee may also be subject to a suspension, of not less than 30 days, for the unauthorized use of motor vehicles or aircraft pursuant to the provisions of 31 U.S.C. 638a(c)(2). After a determination is made that an employee was acting outside the scope handling of a tort claim.

15. EVALUATION AND ADJUDICATION.

a. Evaluation.

- (1) All claims shall be evaluated, from the liability standpoint, through examination of all available facts, documentation, accounts, demonstrative and physical evidence, opinion of experts where necessary, and applicable judicial precedent and statutes of the place where the accident or incident occurred.
- (2) All claims shall be evaluated, as to their dollar value, considering the criteria established in Section 14.4, 28 C.F.R. Part 14, and such other reasonable criteria which may be prescribed by the circumstances or applicable law.
- (3) All claims made the subject of compromise negotiation shall be evaluated considering the probability of successful defense and the cost of such proceedings.
- (4) The legal counsel, if not otherwise the designee of the Responsible Administrative Officer, shall be responsible for the conduct of any negotiations with a claimant in all claims involving personal injury, and in all claims for property damage exceeding the sum of \$5,000.

b. Adjudication.

- (1) Claims may be adjudicated any time after receipt.
- (2) A claim which accrued prior to January 18, 1967, if denied or withdrawn more than two years after it accrued, will be subject to suit for a period of six months thereafter (28 U.S.C. 2401(b)(old)).
- (3) A claim which accrued after January 18, 1967 may be subject to suit for a period of six months after final denial.
- (4) Denial shall be accomplished by the mailing of such a notice by certified or registered mail (28 U.S.C. 2401(b)(new)). It shall be in writing and direct the recipients attention to the provisions of 28 U.S.C. 2401(b)(time limitation).
- (5) The claimant may treat failure to adjudicate a claim within six months after submission as a final denial for the purpose of filing suit.
- (6) The adjudication and settlement, or denial, of any claim by a Responsible Administrative Officer, the General Counsel, or a designee, shall constitute final action in the case

insofar as the agency is concerned, and except when procured by means of fraud, no further review of the agency may be obtained.

(7) When a claim is adjudicated, providing for payment in the sum of \$2,500 or less, the accounting division will be notified in writing of the amount and the identity of the claimant.

16. PAYMENT.

a. Awards of \$2,500 or less.

- (1) Settlement awards of \$2,500 or less are paid from agency appropriations. The Responsible Administrative Officer, the General Counsel, or a designee, after adjudication, shall obtain a properly executed Standard Form 1145 (Appendix 10) Voucher for Payment Under Federal Tort Claims Act, and Standard Form 1145a (Memorandum copy) from the claimant. It shall be signed by the Responsible Administrative Officer or his designee and forwarded with the original claim, any settlement agreements or releases executed by the claimant, the report and opinion of the legal counsel and the final adjudication to:
 - (a) the Accounting Division for a determination of the appropriation to be charged; and
 - (b) pursuant to the Voucher Examination Handbook 2700.7a for certification and payment.

(2) Awards in Excess of \$2,500 but not more than \$100,000.

Awards in excess of \$2,500 are not paid from funds appropriated to the agency. Awards in excess of \$2,500 but not more than \$100,000 are paid upon submission of the documents listed in (1) above addressed to the Claims Division, General Accounting Office, 441 G. St., N.W., Washington, D. C. 20548, through the Accounting Programs Division, MS-400, in accordance with Par. 904, Voucher Examination Handbook. When an award is in excess of \$25,000, evidence that the award has been approved by the Attorney General, or his designee, is required.

(3) Claims over \$100,000.

When the award is in excess of \$100,000, the documents listed in (1) above and evidence of the approval of the Attorney General, or his designee, will be forwarded, for submission to the Bureau of Accounts, Department of the Treasury, Washington, D. C. 20226, through the Accounting Programs

Division, MS-400.

b. Payee.

- (1) The claimant will be designated as payee, except in the case of claims made in behalf of minor children, when the payee shall be designated as "(John Doe) as parent and natural guardian of (John Doe, Jr.)"; or when other designation is established by a Court of competent jurisdiction; or
- (2) When the claimant is represented by an attorney, both the claimant and his attorney will be designated as payees on the voucher (SF-1145). The check will be delivered to the attorney whose address will appear on the voucher.

c. Acceptance.

Acceptance of an award, compromise or settlement, pursuant to Standard Form 1145, under the Federal Tort Claims Act as amended by a claimant constitutes for the United States, as well as the employee whose act or omission gave rise to the claim, a release from all liability to the claimant based on the act or omission, unless procured by fraud or otherwise specifically provided.

17-18. RESERVED.

CHAPTER 3. LITIGATION

19. GENERAL. A suit is initiated against the United States by the filing of a complaint. Thereafter a summons is issued and served upon the United States by delivery to the United States District Attorney and by sending a copy of the summons and complaint to the Attorney General. Service upon an officer or agency is obtained by delivery of a copy of the summons and complaint to such officer or agency.

20. SUITS AGAINST THE GOVERNMENT (OR ITS OFFICIALS)

- a. Responsible Administrative Officers. The Responsible Administrative Officer shall, upon receipt of a summons are complaint, libel petition or any similar document utilized in the initiation of legal action, forward the administrative claim file to the legal counsel for handling or referral as provided herein.
- b. Referral. All tort claim suits against the agency shall be reported immediately to the Associate General Counsel, Litigation Division, Office of the General Counsel, as soon as the Responsible Administrative Officer becomes aware of them. Suits involving aircraft accidents causing personal injury or death, or injury or loss of property exceeding \$5,000, and all others which are initiated in sums exceeding \$25,000 shall be referred to the General Counsel, attention: Associate General Counsel, Litigation Division, Office of the General Counsel. Those suits not referred to the General Counsel shall be handled by the Regional and Center Counsels.

c. Employees.

- (1) An agency employee against whom a civil action or proceeding is brought for damage to property, or for personal injury or death, on account of an act or omission while acting within the scope of his office or employment shall, or his personal representative, if the action is brought against his estate and defense by the government is desired, deliver all process and pleadings served upon him, or an attested true copy thereof, within the time permitted for appearance or answer, to the appropriate Responsible Administrative Officer or legal officer.
- (2) In the cases where a lawsuit is initiated against the United States, based upon an act or omission of any agency employee, the employee involved, or any employee associated with the subject of the suit because of participation in the investigation or otherwise, will be expected to render assistance in the preparation and defense of the suit at the request of the legal counsel, the Department of Justice or the United States District Attorney, as appropriate. Any question arising in respect to

the giving of evidence shall be resolved by reference to Part 185, Federal Aviation Regulations, or upon consultation with legal counsel or the Associate General Counsel, Litigation Division, Office of the General Counsel.

- Employee as Defendant. When a suit is initiated against an employee slorin a United States District Court, or as a the defendant in a suit against the United States, the Department of Justice will ordinarily, upon request of the agency, enter an appearance on behalf of the employee, and assume his defense, provided the employee was, at the time of the happening, acting within the scope of his employment. the litigation arises from a motor vehicle accident or incident, within the application of P.L. 87-258, 28 U.S.C. 2679, the Attorney General will cause the substitution of the United States as defendant, secure the removal of the case to the United States District Court, and take such other necessary action as may be required to eliminate the employee or his estate as a named defendant, provided a determination can be made that the employee was acting within the scope of his office or employment at the time of the happening.
- SUITS BY THE GOVERNMENT. When it is determined that litigation is necessary to effect tovery of losses, the file, together with a statement of the race and supporting documents, shall be prepared for submittal to the U.S. Attorney having jurisdiction, or to the Attorney General through the Department of Justice. Cases involving demands of \$5,000 or less shall be submitted directly, with a copy to the Associate General Counsel, Litigation Division, Office of the General Counsel. Cases exceeding that amount shall be referred to the Associate General Counsel, Litigation Division, Office of the General Counsel, for submission to the Department of Justice. This is because the delegation of authority, except on specific referral, to the U.S. District Attorney is limited to matters involving \$5,000 or less, and the Justice Department desires, for purposes of coordination, that such matters be referred to them, initially, through agency headquarters. An action, by the United States, founded upon a tort, is barred unless brought within three years after the right accrues, P.L. 89-505.

22.-23. RESERVED.

CHAPTER 4. CLAIMS ADMINISTRATION

- 24. RECORDS. A register of all tort claims filed with a Responsible Administrative Officer, or the General Counsel, shall be maintained containing the following information:
 - Date received.
 - Name of claimant (or adverse party)
 - c. Address of Claimant.
 - Brief description of claim; and
 - (1) Date and place of damage or injury.
 - (2) Cause and Extent of damage or injury.
 - (3) Nature of damage or injury.
 - (4) What was damaged, who was injured.

The description of the claim should be brief, yet adequate enough to enable classification.

- e. Amount claimed.
- f. Estimate of potential damage or claim.
- g. Amount paid, if any (or received).
- h. Date paid, or;
- Date of mailing notice by agency of final determination or denial;
- j. Schedule number, and
- Appropriation charged, if any.
- 25. WITHDRAWN. CHG
- 26. CLASSIFICATION. Claims shall be classified within the following categories:
 - a. Claims against the agency.

Automobile - Property Damage

Automobile - Injury

Automobile - Death

Aviation - Injury

Aviation - Death

Aviation - Property Damage

Fire - Injury

Fire - Death

Fire - Property Damage

Misc. - Injury

Misc. - Death

Misc. - Property Damage

Add to each classification the designating symbol of the operating segment principally involved. (Example: FS).

Claims for the agency. Classify in same manner as claims against the agency adding the designation of the operating segment involved. (Example: AT).

STANDARD FORM 91 - OPERATOR'S REPORT OF MOTOR VEHICL ACCIDENT

STANDARD FORM 91 - OPERATOR'S REPORT OF MOTOR VEHICLE ACCIDENT

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STANDARD FORM 92-A REPORT OF ACCIDENT OTHER THAN MOTOR VEHICLE

Standard Form 90 n PROMULGATED JUNE 1953 BY BUREAU OF THE BUDGET CIRCULAR 4-5 (REV.) REPORT OF ACCIDENT OTHER THAN MOTOR VEHICLE DEPARTMENT OR AGENCY ACCIDENT OCCURRED IN-GOVERNMENT OPERATION NAME AND ADDRESS OF LOCAL REPORTING ORGANIZATION TIME LIACT LOCATION OF ACCIDENT TIME AND DATE OF ACCIDENT
PLACE
OF
ACCIDENT ADDRESSES NAMES PERSON OR PERSONS INURED 0 Lide-NATURE AND EXTENT OF INJURIES NAME OF OWNER ADDRESS OF OWNER DAMAGED DESCRIPTION AND LOCATION OF PROPERTY NATURE AND EXTENT OF DAMAGE FULL DESCRIPTION
OF ACCIDENT
Reverse Side, If Necessary) Jaliana. IMPORTANT.—Be particular to secure the names and addresses of witnesses, bystanders, or persons in the immediate vicinity who may have seen the accident or heard any statement made by the person injured. ADDRESSES **ETHESSES** MACE EINT CHITCHE ACCUSE TO AN DATE OF THE REPORT THEE OR POSITION

OPTIONAL FORM 26'- DATA BEARING UPON SCOPE OF EMPLOYMENT OF MOTOR VEHICLE OPERATOR

40.	INSTRUCTIONS. This form is to be filled out by as possible, and attached to the completed three.	the control of the time and at the scree of the account, involving Form 91. Operator's Report of Motor Vehicle Account.
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RATOR	3. AGENCY HAME AND BEGINNING DATE OF DUTY	
¥	I are accounted outs to pain	4. ESTABLISHED WORKING HOURS
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ō	5. IMMEDIATE SUPERVISOR (Name)	6. SUPERVISOR'S TITLE
	7. VEHICLE IS (Check one only)	· curio
		B. IS BLOCK 76. IS CHECKED. IS TITLE TO VEHICLE REGISTERED OPERATOR'S NAME?
	A. GOVERNMENT DINNED b. NOT GOVERNMENT OWNED	YES NO
_		If "NO" give details as to how vehicle is titled.
È		
EP.	(Identification No.) (License No.)	
OWNERSHIP	9. WAS THIS VENICLE ASSIGNED TO OPERATOR BY A GSA MOTOR POOL?	7
M.I	YES NO	
EHICE	If "YES" give details and location of the GSA Hotor Pool.	10. HOW DID OPERATOR RECEIVE AUTHORITY FOR USE OF VEHICLE!
VEH.		DRALLY WRITTEN AUTHORITY
	If "NO" what activity assigned the vehicle?	Give details:
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	II. DRIGIA	12. DESTINATION
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	ts, EXACT PURPOSE OF TAIP	14. DATE AND TIME TRIP BEGAN
;		
		15. DATE AND THE OF ACCIDENT
:	18, HOW DID OPERATOR RECEIVE AUTHORITY FOR TRIFF	17. WAS THERE ANY DEVIATION FROM DIRECT ROUTE?
	ORALLY WRITTEN AUTHORITY	[-] []
	Give details:	YES
	i	If "YES" explain in detail:
	S. WAS TRIP MADE WITHIN ESTABLISHED WORKING HOURS!	9. DED OPERATOR WHILE EMPOUTE ENGAGE IN ANY ACTIVITY OTHER THAN
	YES NO	THAT FOR WHICH THE THOUSE ENGAGE IN ANY ACTIVITY OTHER THAN THE PRAS AUTHORIZENT YES NO
	If "NO" explain.	If "YES" explain:
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NTSB FORM 6120.1 PILOT/OPERATOR AIRCRAFT ACCIDENT REPORT GENERAL AVIATION AIRCRAFT

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Other (Describe)	TAIR text/Contract		Į	Aerial ap	Picetion C	rop c	ontro					
C. PILOT DATA												
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NTSB FORM 6120.1 PILOT/OPERATOR ALRCRAFT ACCIDENT REPORT GENERAL AVIATION ALRCRAFT

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	e Rain	Thunder	storm ["Hail	5now Steet	nty, max gusts.		kis
Other (Describe)			, ,	1.21-10-1 [] (1000)	. Freezing ra	un Teng	conditions
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If weather was involved, state si	weather briefin	Yes VFR R was obtained or w	IFR (VER'C	N TOP FLIGH	LOLLOZING S	FAVICE	
		D	entder reports checked,	, and how accomplished			
Mechanical Failure Malfunction means any failure or malfunction another object. (Peacribe below)	Fill out only a	f the accident involv	e i a mechanical fada.				
means any failure or malfunction another object. (Describe below)	of the affectate of	centitud muset and c	ircumstances, except w	e or matiunction. For the when failure resulted from	r purpose of this	resort a failure	(1800)
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HAT HAPPENED? Describe ev	ents and circum	grances leading					
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Report is Required A rejust of usly injured, (2) any arritalt rece taintal damage to arritalt 17,500 p	t peneral avian	INST on airceale accident I damage, (3) aircea	is required about as a fricollide in Hight, or to		of an aiteraft: (1)	any person is f	Mali: or
e of this teport Report is Required - A reject of usly injured, (2) any aircraft rece carried damage to aircraft 17,500 p Report is to be Submitted - The r	t peneral aviati ives substituta soulds gross we	INST on aircraft accident I damage, (3) aircra ight or less is defin	is required when as a fr collide in flight, or to ed as damage or structi	ural failure reasonable es	timated to cost	CIS SOLL MISSING	`
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NTSB FORM 6120.2 ALRCRAFT ACCIDENT REPURT

	UNITED STATES OF AMER	RICA	t Bureau S 14.80	of the Approximation of Experience September 2013
	DEPARTMENT OF TRANSPOR	TA (ION		INSERFCTIONS
	TIONAL TRANSPORTATION SAF WASHINGTON, D.C.	FETY SOARD	inc all c	MI orm alignization for a constraint of the second constraint of the second constraint of the extended the second constraint of the second constra
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		I - IDENTIFICATION O		
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Name of operator Class of operator:	Section I (Check appropriate items c Contract	2. Headquar	ters	g C Other (Specific)
Name of operator Class of operator: B	Section I (Check appropriate items c Contract d Intrastute	2. Headquar) e □ Bus; f □ Indu	incrs	g □ Other (Specify)
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Name of operator Class of operator: a	Section I (Check appropriate items c Contract d Intrastute	2. Headquar) e □ Bus; f □ Indu	incrs	E □ Other (Specify) 1 □ Revenue 1 □ Nonrevenue
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a Scheduled b Irregular Type of operation t a Passenger b Mail Origin of flight	Section I (Check appropriate items c C Contract d Intrastate this flight (Ch-ck appropri c Cargo d Company if any keoff Section II	2. Headquar e Bus; f Indu ate ((ems)) e Charter f Test Destination	ters inc : stria! g Training b Other	1 [] Revenue

NTSB FORM 6120.2 ALRCRAFT ACCIDENT REPORT

	Ç	ection	IV - CRES KE	ERFRS		
1. LIST ON SEPARATE SHEET full name, age, a direct, hours in type of aircraft	AND ATTACH: FO	or each	rester of the c		cabin attendant total hours of	s, give titles, flying time and
2. Total number in crew Number	ber injured and ent of injuries	Га: н		Serious	Minor	
	Item			Pilot (E)	Copilet (b)	Flight engineer
3. Hours flown by pilot, copi in this accident during 24	-pont beriog be	ior to t	this flight.			
4. Hours flown by pilot, copi this flight.						
Duty time (flight and stan engineer in last 24 hours.	d-by) of pilot.	copilot	. and flight			
6. Rest periods (hours) in 24						
7. At what pointen route was c			Dy cre	ef takeoffs on the	this flight accident	
9. State wording of FAA : 55550	al watver, if a	ny, helo	d by following:	· · · · · · · · · · · · · · · · · · ·		
n. Pilot						
b. Copilot		·				
c. flight engineer						
	S	ection	V - PASSENGER	<u> </u>		
1. Number aboard	2. Number inju					
	Ites		Fatal	Serious		T
a. Revenue	a. Revenue		1 1 1 1 1 1	8611000	Minor	None .
b. Nonrevenue	b. Nonreveni	16				
	Sec	tion Vi	- OTHER PERS	ONS		<u> </u>
 Number injured and extent o crew, occupants of vehicles 	f injuries to or or residences.	ther per	sons as a resu	lt of this accide	nt, such as spec	tators, ground
I	dentify		<u> </u>	Fatal	Serious	Miner
					2011003	#11101
a.						ļ
b.						
c.						
d.						
	Section	VII · E	VACUATION OF	AIRCRAFT	<u></u>	
1. Assistance received: (Check	methods used)				······································	
a [] Outside persons b [] Auxiliary lighting	c □ SIIde c □ Rope		adder Other (Specify)			
2. Method of exit (State approx	imate number of					
a. Main door	1.4	ft	-work tach of	Forward	Belly	
b. Auxiliary door	,, A	ft		Forward	Other	
c. Emergency exit	A.	ft of wi	uk	Over wing	Cockpit	
d. Other (Specify)				'` 		

NTSB FORM 6120.2 AIRCRAFT ACCIDENT REPORT

	owner			Section VIII	Address	T DATA		
2. Make		<u></u>	Model		FAA Iden	tification %.	4. Time	since last importion
3. Date of	munufact	ure	Mfg. Seria	l No.	1	ying time	E. Major	b. Line waintenan
5. Passenge	r capaci	ty	1		Cabin sea	ating configur	HEIOI, (At	tach drawing)
6. ENGINES	Number	r		Make	1		ode l	
	No.	Date of s	anu[acture	Mfg. Seri	11 No.	Total	time	Hours since last overhaul
	1					-		Take overlines
	2							
	3							
r. PRO-	4 Number							
PELLER Assen-	<u> </u>			Make		No.	del	
BLIFS	No.	Date of ma	inufacture	Mig. Serial	No.	Total	time	Hours since last overhaul or reasscably
	-			1,000				
	2	- ·						
	3	<u> </u>						
Type of fi	re extin	guishing :	system (Inclu	ding hand types,	if fire i	involved)		
				·				
Describe a	ircraft	damage					<u> </u>	
<u></u>								
Describe de	mage to	but ld inne	Se	ction IX - PROF	ERTY DAVA	IGE		
			, power 116	es, crops, lives	Lock, etc.	(Dollar esti	mate not	necessary.)
<u> </u>								
			Sect	inn Y . WEATH	7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7			
Describe we	ather co	nditions a	at time and s	tion X . WEATHE	K COMPITIO	UNS		
**************************************				·				
	<u></u>							

NTSB FORM 6120.2 AIRCRAFT ACCIDENT REPORT

outer arrefull;	waterals the lotto	wing identification data must be completed for :
a. Make	Hode1	FAA Identification No.
b. Name of pilot	Address	Certificate
c. Name of owner	Addres	SS
. Damage to this aircraft		
A MSB Form 6120.2 m	ust be submitted by the appropri	ate operator efficien aircraft involved,
Section Section	B XII - MALFUNCTIONING OR MEC	HANICAL FAILURE REPORT
iuel or oil, or improper use of	f engine controls by crew.	functioning or mechanical failure in the aircra
a. Describe specific part in st also total hours and hours s	ufficient detail to identify it since overhaul:	positively. Give make, model, and serial number
b. Describe circumstances under	Which failure occurred	
	man fairlie occurred:	
c. What is your analysis of cau	Se? (Include as much avidence &	
c. What is your analysis of cau-	se? (Include as much evidence f	or your analysis as possible):
c. What is your analysis of cau-	se? (Include as much evidence f	or your analysis as possible):
	Section VIII AND TO SECTION OF THE S	
Describe circumstances of the a	Section XIII - OPERATOR'S	STATE WENT
Describe circumstances of the a	Section XIII - OPERATOR'S	
Describe circumstances of the a	Section XIII - OPERATOR'S	STATE WENT
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Describe circumstances of the a	Section XIII - OPERATOR'S	STATE WENT
Describe circumstances of the a of this accident and the preven	Section XIII - OPERATOR'S ceident and provide any addition tion of similar ones. (Use suppli	STATE WENT
Describe circumstances of the a of this accident and the preven	Section XIII - OPERATOR'S ceident and provide any addition tion of similar ones. (Use supplication of similar ones) Signature of person filing Type or	STATE WENT
Describe circumstances of the a of this accident and the preven	Section XIII - OPERATOR'S ceident and provide any addition tion of similar ones. (Use supplication of similar ones) Signature of person filing Type or	STATEMENT nal information which may assist in the analysis observary sheet if additional space is required.
Describe circumstances of the a of this accident and the preven this accident and the preven erator	Section XIII - OPERATOR'S ceident and provide any addition tion of similar ones. (Use supplic Signature of person filing Type or print name Title	STATEMENT nal information which may assist in the analysis ementary sheet if additional space is required.
Describe circumstances of the a of this accident and the preven	Section XIII - OPERATOR'S coldent and provide any addition tion of similar ones. (Use supplication of similar ones) (Use	STATEMENT nal information which may assist in the analysis usentary sheet if additional space is required.; OTHER CREW MEMBERS

FAA FORM 2955 - SUPERVISOR'S REPORT OF ACCIDENT

APPROVED BY SHIAL OF THE BUDGET, FEBRUARY 1902		EDERAL AVIATION			PLPOPT NO eler Le	eld be Only
i	SUPERV	ISOR'S REPORT	OF ACCIDENT		1	
Read attached instructions before	completing this form (1.	To not write in shire	77		!	
ł	PART I. — GENER	CAL INFORMATION	la Compilate to a S	7 8 PM (R. 81+4814)		
1 TYPE OF REPORT .			S DATE OF ACCIE		TWI OF ACCIDENT	
					i mi o vective	2 M
2. NAME OF SERVICE OR OFFICE			7 NAME OF EMPLO	TEL Innered Ler	R Miller or Person was	- <u>* </u>
			वंजमञ्जूष)	, .	· · · · · · · · · · · · · · · · · · ·	чини ин репре
3 NAME AND ADDRESS OF REPOR	TING UNIT I Include city at	14				
			8 AGE	6 Ptx	10 YEAPS OF 11	EL CONC. SERVICE
4 EXACT GEOGRAPHICAL LOCATION				1		
- east attack mat tocation	OF ACCIDENT	ľ	II OCCUPATION (Hotal ob title	- +	·- · · · · · · · · · · · · · · · · · ·
DART II. ACCOUNTS						-
PART II.—DESCRIPTION OF INJU- here. Complete a supplemental for	IRY (Complete in all cases in	of personal injury	Note If this is a	Motor Vehicle Acc	deat Report describe a	
	15 NATURE OF INJURY	dilianal FAA empla	ives injured in the t	iame accident j	and the second of	intera in call dura
	13 MAIDE OF REIGHT					
3 DATE INJURED RETURNED TO WORK	16 ANATOMICAL LOCATION	0.00				!
	TO MAN TO MAKE TO CATION	A ON MOTOR 40				·
HAS CA FORM I BEEN	17 EXTENT OF DISABILITY .					
SUBMITTED? YES NO CA FORM 2? TES NO	THE STATE OF STANDERS A					***
PART 11	DESCRIPTION OF ACCIDEN					1
18. TELL COMPLETE STORY OF WHAT MENT, MATERIAL, LAYOUTS WHA	THE POST WHAT LED UP	TO THE ACCIDENT?	HOW DID ACC DE	NT ACTUALLY HADD	Tead Turner Court Total	
OIE. In motor vehicle accident cases umber, and police action if ans.	s, include in this space name	r and address of dro	iver of non-federal	sebicle, lus piensa z	ionsbet, name of Sebig	h avner, herreg
	s, include in this space name PART IV.—NOF	e and address of dre	exer of non-federal	vebicle, lus piensa e	nunder, name et sehr.	h owner, heroce
	s, include in this space name PART IV.—NOP	N-MOTOP VEHICLE	ACCIDENT INFOR	RMATION		
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FAA FORM'2955 - SUPERVISOR'S REPORT OF ACCIDENT

	T VI —PROPERTY DAMAGE		\$ ESPINATI OF DAMAGE
384. FEDERAL PROPERTY DAMAGED CENter	than motor tehule)		36/
381 HONFEDERAL PROPERTY DAMAGED 10	Other than motor cehule)		30 <i>d</i>
194, FAA VEHICLE			39%
Pr. PRIVATELY DWNED VEHICLE ON FAA B	BUSINESS		39 d
194. GSA INTERAGENCY MOTOR POOL VEH	ICLE		39/
98. NON FEDERAL VEHICLE		,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	396
· · · · · · · · · · · · · · · · · · ·	PART VII.—OTHER PERSONS INJURED (Federal or Nine Endorsity	<u> </u>
Or. NAME AND ADDRESS	406 NAME AND ADDRESS		AME AND ADDRESS
	PART VIII.— WITNESS	SES .	
THE NAME AND ADDRESS	416. NAME AND ADDRESS	41c N	AME AND ADDRESS
	PART IX — DIAGRAM OF MOTOR V	ELICIE ACCIDENT	
USE ONE OF THESE QUILINES TO SKETC	H THE SCENE OF THE ACCIDENT, WRITING IN STREET	EMICLE ACCIDENT	
Number each vehicle and show direction of travel			,
		s accident 2	d. Show rationed by: e. Show distance and direction to landmark, identity landmarks by name or number
	Use cotted line afte		d. Show railroad by: e. Show distance and direction to landmark, identify landmarks by
Use solid line to show path before accident CORRECTIVE MEASURES TAKEN OR PLANN	Use chited line afte	ort for all reparts)	d. Show railroad by: e. Show distance and direction to landmark, identify landmarks by name or number f. Indicate north in the circle as
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Use solid line to show path before accident	Use chited line afte	ort for all reparts)	d. Show railroad by: e. Show distance and direction to landmark, identify landmarks by name or number f. Indicate north in the circle as
Use solid line to show path before accident	PART X.—COMMENTS (Complete this P	ort for all reports) 436. SIGNATUS 43c. TITLE	d. Show railroad by: e. Show distance and direction to landmark, identify landmarks by name or number f. Indicate north in the circle as life of Supervisor 43d. DATE
Use solid line to show path before accident CORRECTIVE MEASURES TAKEN OR PLANN	PART X.—COMMENTS (Complete this P	ort for all reports) 436. SIGNATUS 43c. TITLE	d. Show raintoad by: e. Show distance and direction to landmark, identify landwarks by name or number f. Indicate north in the circle as it is in the circle a
tise solid line to show path before accident	PART X.—COMMENTS (Complete this P	art for all repark) 43b. SIGNATUR 43c. TITLE	d. Show raintoad by: e. Show distance and direction to landmark, identify landwarks by name or number f. Indicate north in the circle as it is in the circle a
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STANDARD FORM 94 - STATEMENT OF WITNESS

Standard Form 24 Revi ed Jers 1943 Fromuly ded by Bureau of the Hedget Chenlar A-5 (Rev.)	STATEMENT C		•
	(Use additional she		
. DID YOU SEE THE ACCIDENTS	2. WHEN DID IT HAPPENT (Time and date) 3. W	WHERE DID IT HAPPENE (Street Existing and exist)	*************
TELL IN YOUR OWN WAY HOW TO	SE ACCIDENT HAPPENED		
•			
		,	
		o who	
WHERE WERE YOU WHEN THE ACC	DENT OCCURRED!		·····
WAS ANYONE INJURED, AND IF SO.	EXTENT OF INJURY IF KNOWNS		
	P INIGHTS		
DESCRIBE THE APPARENT DAWAGE	TO PRIVATE PROPERTY		
DESCRIDE THE APPARENT DAMAGE	TO GOVERNMENT BROKERTY		
	The state of the s		
IN TRAFFIC CASES STATE APPROXIMATE SPEED (Afiles per hour)	(a) GOVERHMENT VEHICLE	(P) OLHEN AEHICLE	
		[
	ES OF ANY OTHER WITNESSES TO THE ACCIDEN	T	
14.	AMES .	ADDRESSES	
	j		
DATE	I		
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OME ADDRESS			
		TELEPHONE HO.	
USINESS ADDRESS		TELEFRONE NO	·····
		1220112114	
DICATE ON THE DIAGRAM BELL			
as 3, and show direction of t	ravel by arrow	3. Show pedestrian by	
(Example: ——)	├	4. Show railrond by +++++++++++++++++++++++++++++++++++	
2. Use solid line to show path to Broken line after accident		5. Indicate north by acrow in this circle	
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FILE REFERENCE:

STANDARD FORM 94 - STATEMENT OF WITNESS

This office has been advised that you witnessed an accident which occurred

It will be helpful if you will answer, as fully as possible, the questions on the back of this letter.

Your courtesy in complying with this request will be appreciated. An addressed envelope, which requires no postage, is enclosed for your convenience in replying.

Sincerely yours,

Encl.

FAA FORM 2961 - REPORT OF FIRE

	R (Attach nadii):-	EPORT OF FIRE		1. DATE OF	F INCI-	2. REPORTING ORG ZATION	GANI- 3. (Lonve Hans)
 . 				! 			
		D FACILITY IDENTIFE	CATION (Include but	ilding number t	ind nume)	I. ADDRESS	
LOCATION	C. EXACT LOCAT	TION OF FIRE (Fluor,	eras, room number, si	(c.)	ī	D. TYPE OF OPER, paint shop, etc.)	ATION (Office, storeroom,
5. (e)	A. Ownership						
BUILDING OR FACILITY DATA (Check as appropris			FAA	77		Nonfederal	
TTY D	C. Original Design For		Office	GSA		Other Federal Navigational	Nonfederal Other
FACII	D. Con- struction	Fire Resistive		Wareho		Aids	(Specify) (Other
PICIDENT	COVER ALL DUIS	RTANT DETAILS, INC	Brick Joisted		T .	Wood Frame	(Specify) ontinue under returne or
	DATE	FIRE DISCOVERED		DATE		FIRE OUT	
FIRE	A. WAS THERE A ST	No No	B. IF "YES", WAS			C. IF "YES", WA	AM S OPERATION SATISFAC
OUTP	D. WERE THERE FI	IRE EXTINGUISHERS	E. IF "YES", CIVE	ONLY TYPE	S APPLIED	yes	IF NO EXPLAIN
	A. DIRECT CAUSE (No Welding, smoking,	B. CONTRIBUTING	FACTORS OF		No	
ω l	5.0.7		B. CONTRIBUTING housekeeping, pr	rotection, etc.)	elecia in con	atruction, occupanc	F. C. WERE THE FAC- TORS LISTED IN "HIP PICEVIOUS I, REFORMED FOR CORRECTION?
CAUS		ŀ					
CAUS	A. AMOUNTS REPOR	TED ARE	B. LOSS TO	FAA	GSA mww.bcoro	OTHER PERFE	Yes No
CAUS	. AMOUNTS REPOR	F.Stimples	BUILDING 3	OWNERSHIP 1		CTHEN ELDERA UNBERSHIP	l. Softmerall ownership.
Loss	inal	F.Stimates (Will be cor- ro !-d Inter)	CONTENTS \$ OTHER PROP. \$			STHER FIREITS	2 2 near death. 1 sugar death.
DEATHS LOSS CAUS	final IVE NAME, EMPLO	F.Stimates (Will be cor- ro !-d Inter)	CONTENTS \$			\$	l. Money Serval.
TATO OR CAUS	final NVE NAME, EMPLO	Fishimates (Will be correct or Indiana) YMENT, EXTENT OF	BUILDING 3 CONTENES 3 OTHER PROP. S INJURY AND CAUSE	5 5	SIGNATUR	S S S S S S S S S S S S S S S S S S S	I. SONE THE PAIL OF STREET IN STREET
TATO OR CAUS	final NVE NAME, EMPLO	Estimates (Will be cor- rs - rd later) YMENT, EXTENT OF	BUILDING 3 CONTENES 3 OTHER PROP. S INJURY AND CAUSE	5 5	SIGNATUR	S S S S S S S S S S S S S S S S S S S	I. SONE THE PAIL OF STREET IN STREET
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FAA FORM 2961 - REPORT OF FIRE

13. COMMENTS OF REVIEWING	OFFICIAL	
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		g \$-00°
DATE	TITLE OF REVIEWING OFFICIAL	SIGNATURE OF REVIEWING OFFICIAL
14. COMMENTS OF OCCUPATIO	NA(SACETY OFFICED	
	JAN SALE CAPTEER	
DATE	SIGNATURE OF OCCUPATIONAL SAFETY OFFICER	
	MIGHATURE OF OCCUPATIONAL SAFETY OFFICER	
REMARKS		
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description of the second		

STANDARD FORM 95 - CLAIM FOR DAMAGE OR INJURY

Rtandard Form 95 Resided J. bruary 1963 Bureau ... e Budget Circular z. 5 (Rev.)

SUBMIT TO:

CLAIM FOR DAMAGE OR INJURY

(Use additional sheets if necessary) 95 tu t Use ink or typewriter. See reverse side for instructions and additional information required. 1. NAME OF CLAIMANT (Please priot full name) 2. AGE 3 MARITAL STATUS AMOUNT OF CLAIM 4. ADDRESS OF CLAIMANT (Street, city, zone, State) 5. NAME AND ADDRESS OF SPOUSE, IF ANY 6 PLACE OF ACCIDENT (Give city or town and State; if outside city limits, indicate mileage or distance to nearest city or town) 7. DATE AND DAY OF ACCIDENT TOTAL TIME (A.M. or P.M.) 9. DESCRIPTION OF ACCIDENT ISTATE BELOW, IN DETAIL, ALL KNOWN FACTS AND CIRCUMSTANCES ATTENDING THE DAMAGE OR INJURY, INDENTIFYING PERSONS AND PROPERTY INVOLVED AND THE CAUSE THEREOF PROPERTY DAMAGE NAME OF OWNER, IF OTHER THAN CLAIMANT ADDRESS OF OWNER, IF OTHER THAN CLAIMANT BRIEFLY DESCRIBE KIND AND LOCATION OF PROPERTY AND NATURE ANS EXTENT OF DAMAGE. SEE INSTRUCTIONS ON REVERSE SIDE FOR METHOD OF SUBSTANTIATING CLAIM PERSONAL INJURY STATE MATURE AND EXTENT OF ENURY WHICH FORMS THE BASIS OF THIS CLAIM WITNESSES ADDRESSES I DECLARE UNDER THE PENALTIES OF PERIURY THAT AMOUNT OF THIS CLAIM, COVERS OF PROMOTE AMOUNT OF THE PENALTIES OF PERIURY THAT CRIMINAL PENALTY FOR PRESENTING FRAUDU-LEST CLAIM OR MAKING FALSE STATEMENTS CAIDED BY THE ACCION TARGET PARTY OF THE TOTAL TO ACCION AMOUNT IN TULL SATISFACTION AND FINAL SETTEMBER OF THE TOTAL SETTEMBER OF THE TOTAL SETTEMBER OF THE TOTAL SETTEMBER OF THE SETTEMBER OF Fine of not more than \$10,000 or inquisonment for not more this CLAIM than 5 years of both. (See n. Stat. 1995, 7-39; 18-17-8-C, 287, 1991.) SIGNATURE OF CLAIMANT

The claiming shall leffeit and my to the United States the sum of \$2,000, plus deadle the amount of damnes sustained by the United States. 18cc ICS \$3400, 5438, 31 U.S C 231.) NOTE Signature with above should be used in all luture correspondence

DATE OF CLAIM

CIVIL PENALTY FOR PRESENTING PRAUDULENT CLAIM

STANDARD FORM 95 - CLAIM FOR DAMAGE OR INJURY

NOTICE TO CLAIMANT

In order that your claim for damages may receive proper consideration you are requested to supply the information called for on both sides of this form. All material facts should be stated on this form, as it will be the basis of further action upon your claim. The instructions set forth below should be read carefully before the form is prepared.

INSTRUCTIONS

Claims for damage to or for loss or destruction of property, or for personal injury, must be signed by the owner of the property damaged or lost or the injured person. If, by reason of death, other disability or for reasons deemed satisfactory by the Government, the foregoing requirement cannot be fulfilled, the claim may be filed by a duly authorized agent or other legal representative, provided evidence satisfactory to the Government is submitted with said claim establishing authority to act.

If claimant intends to file claim for both personal injury and property damage, claim for both must be shown in item 8 on this form. Separate claims for personal injury and property damage are not acceptable.

The amount claimed should be substantiated by competent evidence as follows:

(a) In support of claim for personal injury or death, the claimant should submit a written report by the attending physician showing the nature and extent of injury, the nature and extent of treatment, the degree of permanent disability, if any, the prognosis, and the period of hospitalization, or incapacitation, attaching

itemized bills for medical, hospital, or burial expenses actually incurred.

- (b) In support of claims for damage to property which has been on our be economically repaired, the claimant should submit at least two itemized signed statements or estimates by reliable, disinterested concerns, or, if payment has been made, the itemized signed receipts evidencing payment.
- (c) In support of claims for damage to property which is not economically reparable, or if the property is lost or destroyed, the claimant should submit statements as to the original cost of the property, the date of purchase, and the value of the property, both before and after the accident. Such statements should be by disinterested competent persons, preferably reputable dealers or officials familiar with the type of property damaged, or by two or more competitive bidders, and should be certified as being just and correct.

Any further instructions or information necessary in the preparation of your claim will be furnished, unon request, by the office indicated at the top of the other side of this form.

In order that subrogation claims may be adjudicated, it is essential that the claimant provide the following information regarding the insurance coverage of his vehicle:				
DO YOU CARRY COLLISION INSURANCET. YES NO	IF YES, GIVE NAME AND ADDRESS OF INSURANCE COMPANY AND POLICY NUMBER			
	THIS INSTANCE, AND IF SO, IS IT FULL COVERAGE OR CEDUCTIBLE? IF DEDUCTIBLE, STATE AMOUNT			
IF SUCH CLAIM HAS DEEN FILED, WHAT ACTION HAS YOU list you ascertain these facts)	UR INSUNER TAKEN, OR WHAT ACTION DOES IT PROPOSE TO TAKE WITH REFERENCE TO YOUR CLAIM? (It is nece.	· · · · · · · · · · · · · · · · · · ·		
DO YOU CAMMY PUBLIC LIABILITY AND PROPERTY DAMAGE COVERAGE!	IF YES, GIVE HAME OF INSURANCE CARRIER			
SASKATURE OF CLAIMANT				

STANDARD FORM 1145 - VOUCHER FOR PAYMENT UNDER FTCA

Standard Form No. 114" 7 OAU 510 1145-102		D. O. Vou. No. Bu. Vou. No. Claim No.	
VOUCHER F	OR PAYMENT		
UNDER FEDERAL	TORT CLAIMS ACT		
U. S			
U. S. Department, bureau, ur establi	shment)		
Voucher prepared at	and date)		
, ,		1	
To(Payee)	**************************************		
Address			
Amount claimed, \$ Date claim accrued			
d acceptance constitutes a vaccept the within-stated award, cor	BY CLAIMANT	S final and constrains	
 the claimant, do hereby accept the within-stated award, cord acceptance constitutes a complete release by me of any claim at whose act or omission gave rise to the claim, by reason of the 	upromise, or settlement as against the United State e same subject matter.	s final and conclusive on me, and agree that s and against the employee of the Govern	
1) the claimant, do hereby accept the within-stated award, cord acceptance constitutes a complete release by me of any ciaim int whose act or omission gave rise to the claim, by reason of the claim,	upromise, or settlement as against the United State e same subject matter. IGN GINAL	s and against the employee of the Govern-	
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MEMORANDUM REPORT

This report shall cover the following items:

- 1. Date, time and place of accident
- 2. Names, ages, and addresses of persons included
- 3. General description of injury or cause of death
- 4. Extent of damage to property
- 5. Name and address of owner or owners of property
- 6. Description of accident, and any additional information relating thereto
- 7. Cause of accident
- 8. Regulations having a bearing on the case
- 9. Recommended remedial action
- Remarks and certification of investigation body, including law enforcement officials if any involved and
- 11. Exhibits, photographs, and any additional evidence relating to the accident.



DEPARTMENT OF TRANSPORTATION FEDERAL AVIATION ADMINISTRATION

2250.1A CHG 1

13 Dec 71

Cancellation

Date: After

filing

SUBJ: TORT CLAIMS HANDBOOK

- 1. PURPOSE. This change transmits revised pages to the subject handbook.
- 2. EXPLANATION. This change deletes the requirement for making annual reports of tort claims at the end of the fiscal year to the Associate General Counsel, Litigation Division, Office of the General Counsel and reports of contingent liabilities to the Chief, Accounting Division. The reports cancelled are: GC 2250-1 and GC 2250-2.

PAGE CONTROL CHART

A STATE OF THE STA		
Remove Pages	Dated Insert Pages	Dated
17 18	1/23/69 1/23/69	1/23/69
19	1/23/69	13 Dec. 71

J. H. Shaffer Administrator