

# ORDER

DEPARTMENT OF TRANSPORTATION  
FEDERAL AVIATION ADMINISTRATION  
Aeronautical Center  
Oklahoma City, Oklahoma

AC 2250.2A

19 Dec 72

SUBJ: TORT CLAIMS INVESTIGATION, PROCESSING, AND REPORTING

1. PURPOSE. This order outlines the responsibility for processing of claims for personal injury and for property damage asserted against the FAA under the Federal Tort Claims Act, and for processing tort claims asserted against others by the FAA.
2. DISTRIBUTION. This order is distributed to all supervisors. It is of interest to all employees involved in tort claims asserted against or on behalf of the United States.
3. CANCELLATION. AC 2250.2, Tort Claims Investigation, Processing, and Reporting, is canceled.
4. BACKGROUND. 2250.1A, Tort Claims, which has divisional distribution, prescribes agency procedures for the processing and settlement of (a) claims for money damages for injury or loss of property, and for personal injury or death asserted against the FAA under the Federal Tort Claims Act; and (b) claims asserted by the United States, acting through the FAA, and against any person for damage or loss of property.
5. RESPONSIBILITIES.
  - a. The Aeronautical Center Counsel (AAC-7) shall be responsible for:
    - (1) Furnishing guidance and stating the legal requirements applicable to all investigations carried out by AAC-8, AAC-40, or AAC-90 under this order.
    - (2) Furnishing guidance and stating the legal requirements as needed by AAC-8, AAC-20, or AAC-40 in the preparation and assertion of claims covered by the order and in favor of the United States.
    - (3) Furnishing guidance and stating the legal requirements to assist AAC-8 and AAC-700 in each aviation accident or incident which involves an aircraft operated under an Aeronautical Center lease or contract, and which may eventually generate either a tort or a contract claim.

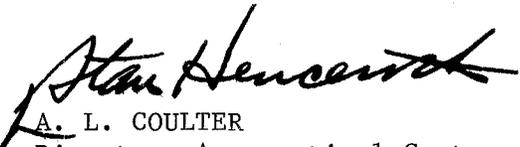
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Initiated By: AAC-7

- (4) Conducting negotiations with tort claimants in all claims involving personal injuries, in claims for property damage exceeding \$5,000, and, where requested by AAC-8 or AAC-40, in claims for property damage for less than \$5,000.
  - (5) Providing AAC-1 with a written opinion as to liability with respect to each tort claim asserted against the Aeronautical Center.
- b. The Operations Staff (AAC-8) shall be responsible for:
- (1) Providing appropriate investigation, processing, reporting and preparation of supporting documentation for each tort claim asserted against the United States in an amount less than \$2,500 resulting from an aircraft accident or incident which involves FAA employees under the jurisdiction of AAC-1 and AFS-600.
  - (2) Providing the appropriate investigation and records preparation for each aviation accident or incident involving employees under the jurisdiction of AAC-1 and AFS-600 which may give rise to a tort claim, and the coordination and participation with AAC-90 in the investigation of that tort claim upon its assertion against the United States.
  - (3) Providing appropriate investigation for, and coordination with AAC-700 of each aviation accident or incident which involves an aircraft operated under an Aeronautical Center lease or contract, and which may generate either a tort claim or a contract claim.
  - (4) Providing appropriate investigation for the processing, reporting, and preparation of supporting documentation of each aircraft accident or incident which involves any employee under the jurisdiction of AAC-1 or AFS-600, and which may give rise to a claim for damage to property in favor of the United States, or a claim for personal injury in favor of any such employee.
  - (5) Conducting negotiations with the claimant in each case involving aviation property damage claims where the claim asserted does not exceed \$5,000.
- c. The Administrative Service Division (AAC-40), shall be responsible for:

- (1) The investigation, processing, reporting and preparation of supporting documentation of all non-aviation property damage tort claims, if asserted in an amount less than \$2,500 against the United States, and involving employees under the jurisdiction of AAC-1 or AFS-600.
  - (2) The processing, reporting and preparation of supporting documentation of each tort claim asserted against the United States as a result of a non-aviation accident or incident involving an employee under the jurisdiction of AAC-1 and AFS-600.
  - (3) The investigation and reporting of each accident or incident described in Paragraph 5(c)(1) which may give rise to a claim for damage to FAA property in favor of the United States.
  - (4) Conducting negotiations with the claimant in each case involving non-aviation property damage where the claim asserted does not exceed \$5,000.
- d. The Chief, Air Transportation Security Division (AAC-90) is responsible for:
- (1) The investigation, processing, reporting, and preparation of supporting documentation of each tort claim involving personal injury or involving property damage in excess of \$2,500, if arising from the conduct of an employee under the jurisdiction of AAC-1 or AFS-600.
  - (2) Providing special investigative service on any accident or incident which may generate a tort claim or an aviation contract claim, upon specific request of AAC-7, AAC-8, AAC-40 or AAC-700.
- e. The Chief, Accounting Division (AAC-20) is responsible for:
- (1) The final preparation and assertion of each claim arising under the jurisdiction of AAC-1 or AFS-600 in favor of the United States.
  - (2) The determination of uncollectibility of any claim asserted under 5(e)(1).
  - (3) The determination to refer each claim asserted under 5(e)(1) to the Department of Justice.

- (4) The final preparation and referral of the supporting evidence and information to be forwarded to the Department of Justice, when appropriate.
6. SUPERVISION. Supervisors are responsible for:
- (1) Familiarizing themselves with the provisions of the Order 2250.1A so as to be able to carry out their duties specified therein.
  - (2) Ensuring that their employees are made aware of the potentiality of claims against the United States resulting from damage or injury accidents or incidents and of the necessity for prompt reporting of such occurrences.
  - (3) Initiating, and reporting procedures prescribed by Order 2250.1A and providing necessary assistance to their employees in the preparation of required accident reports.
7. TORT CLAIMS REGISTER. A register of all tort claims filed with the Aeronautical Center shall be maintained by AAC-40 on AC Form 2250-1, Tort Claim Register. Copies of AC Form 2250-1 covering claims processed by AAC-8 shall be forwarded to AAC-40 for inclusion in the register.
8. FORMS. AC Form 2250-1 is stocked by AAC-40 and AAC-8.

  
A. L. COULTER  
Director, Aeronautical Center