

Claims FAQ

I was injured or my property was damaged by the Corps of Engineers. How can I get paid?

You may file a claim under the Federal Tort Claims Act (FTCA). The FTCA is not a Government benefit or insurance. A FTCA claim is intended to compensate you for injury or damage where a private party would be liable under state law. This means you must prove that the Corps was at fault (negligent) in causing the injury or damage. In addition, the Corps employee who caused the injury or damage had to be in the scope of employment (on the job) at the time.

What defenses might cause my claim to be denied?

We cannot pay if your injury or damage was caused by a Corps contractor (although we will help you get the contractor's insurance information so you can file your claim with them). In addition, even if we otherwise appear to be at fault, Congress does not allow us to pay a claim where the damage was related to flood control operations, or where the damage was the result of a discretionary policy decision, even if it was a bad decision.

How do I file a claim?

You must file Standard Form 95 (SF-95) with our office within two (2) years after your injury or property damage occurred. Enter the following address in Block 1 of the SF-95:

U.S. Army Corps of Engineers, Kansas City District
Office of Counsel (ATTN: Claims)
635 Federal Building
601 East 12th Street
Kansas City, Missouri 64106-2824

Is it difficult to complete the SF-95?

The form is mostly self-explanatory, but here are some common errors you can avoid. First, you must state in Block 8 why you believe the Corps was at fault (i.e., negligent) in causing your injury or damage. In Blocks 12a-12d, you must state a "sum certain," which means an exact dollar amount that you would accept in settlement of the claim. You also must complete the insurance information on the reverse of the form. Last but not least, you must sign and date your SF-95.



My car was damaged in an accident. How can I claim a "sum certain" if all I have is an estimate?

Although you must state a "sum certain," there is no limit as to the amount you can claim. We suggest you claim an amount adequate to cover any possible property damage, a rental car, any lost wages, medical bills, and an amount for any pain and suffering (i.e., personal injury). If your damages ultimately exceed the amount claimed, you may amend your claim at any time before we make a ruling on it.

What supporting documents do you need?

Keeping in mind that you have the burden of proof, be sure to send us any photos, police reports, at least two (2) repair estimates, medical records, or other documents that you feel are relevant to your claim. If you need a rental car while your own car is being repaired, you can obtain and include an estimate from the car rental company. You can send these documents at any time, but the earlier we receive them, the better.

What if I suffered personal injuries?

If you were physically hurt in an accident, we cannot evaluate your claim without a physician's statement that contains (a) a diagnosis of your injuries, (b) the course of treatment, and (c) your prognosis (expected recovery). We will also need copies of all relevant medical records and medical bills. We may require you to sign a HIPAA release to authorize us to obtain access to your medical records to verify your condition.

Do I need an attorney?

Most claimants do not need or use an attorney. An attorney can be helpful in preparing a complicated claim, such as a claim involving extensive personal injuries or where legal liability is not clear. *An attorney cannot sign your SF-95 claims form or a settlement document without specific signed authorization from you.* An attorney's fee agreement cannot be accepted for this purpose; a specific power of attorney is required.

How long will it take for me to get paid?

The time varies, but claimants should consider six weeks a bare minimum between the date we receive the claim and the date payment is made. The six weeks is needed to obtain signed settlement documents, obtain funding, process the payment, and send it out. This example, however, assumes that liability and damages are perfectly clear and fully documented in the first claims submission. Frequently claims require additional information, Corps witnesses aren't available, the case involves novel legal issues, etc. Such claims could take months or even years to rule on.

I was in a car crash and the Corps driver was at fault. I don't want to wait six weeks or more to get paid. I want to get my car fixed now! What can I do?

Many claimants elect to use their collision insurance coverage to get their car fixed immediately. If you do, you will file a claim with us to get back your deductible, and your insurance company will file its own claim for subrogation at a later time.

How long do I have to file a claim?

Your SF-95 must be received by our office within two (2) years after the injury or damage occurred, or it will be barred by the statute of limitations.

I'm not happy with the Corps and I want to file suit now!

By law, you cannot file suit against us unless and until you file a claim and give us at least six months to investigate and give you our decision. The statute of limitations is not an issue while we are investigating your claim. Once we make a decision on your claim, however, you have six more months in which to file suit in federal district court. If you fail to file suit within the six months after our decision, your claim will be barred by the statute of limitations.

How can I get more information?

To speak with someone regarding a claim, please dial (816) 389-3983 and your call will be directed to the appropriate party.