Forest Service | **Washington Office** | **1400 Independence Avenue, SW Washington, DC 20250**

File Code: 6570 **Date:** November 4, 2013

Route To: (5100), (6300)

Subject: Claims Resulting from Fire Suppression Activities

To: Regional Foresters, Station Directors, Area Director, IITF Director, Deputy Chief for Budget and Finance, Deputy Chief for State and Private Forestry

This letter reiterates prior direction for handling damage and loss claims involved with Incident Management and Fire Suppression. Any claims filed at an incident must be referred timely to the ASC, B&F Claims Management Branch for prompt processing in order to meet legally mandated deadlines.

Any claim from a Cooperator for equipment damage or employee injury working under Cooperative and Reciprocal Fire Suppression Agreements should be directed to their home agency. Cooperative agreements between state and local agencies with the Forest Service include a waiver by each party of all claims against every other party for compensation for any loss, damage, personal injury, or death occurring in consequence of the performance of such agreement. The waiver of claims is in accordance with the Reciprocal Fire Protection Act.

All other occurrences of damage to personal property, and Forest Service employee claims, must be handled under the official claims process, and only the Office of the General Counsel or the ASC Forest Service Claims Officer is delegated authority to adjudicate claims against the Forest Service. When individuals have inquiries related to reimbursement for damages, or when they request claim forms, they should be referred to the ASC, B&F Claims Branch (877-372-7248, option 1, and then option 5). The Comp/Claims Units assigned to an incident should be able to provide this information.

No Forest Service employee may assume liability for an incident or promise to pay for damages related to a claim. Further, all Forest Service employees must avoid approval of any expenditure of funds without the appropriate delegated authority. Such approval could result in fiscal liability claims against the employees involved.

We appreciate your assistance in ensuring that all employees, particularly those who work on fire incidents, are aware of the required authorities and processes for settling claims for property damage resulting from fire suppression activities.

Please contact Claims Branch Chief, Lisa Lux at 505-563-7322, or Incident Support Procurement Analyst Ron Schilz at 406-329-1065, if you have any questions.

THELMA J. STRONG
Chief Financial Officer

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