



NATIONAL HEADQUARTERS CIVIL AIR PATROL

CAP REGULATION 112-9

26 DECEMBER 2012

Claims

CLAIMS, DEMANDS, AND LEGAL ACTIONS FOR OR AGAINST THE CIVIL AIR PATROL, THE UNITED STATES AIR FORCE, AND THE UNITED STATES

This regulation provides policies and procedures for processing claims, demands, and legal actions against or in favor of Civil Air Patrol, Inc., or the United States Government.

SUMMARY OF CHANGES.

These revisions incorporate recent CAP governance changes and also reiterate certain authority extended by the Board of Governors to the Chief Operating Officer to litigate and compromise claims on behalf of the Corporation. All other changes are administrative. **Note: Shaded areas identify new or revised material.**

Section A – General

1. Notification. Any time a claim, demand, or legal action is brought against Civil Air Patrol, Inc., the Air Force, or the United States Government for damages allegedly arising out of CAP activities, advise National Headquarters see paragraph 7. Whenever property is damaged or persons are killed or injured, inform General Counsel (NHQ/GC) and the CAP-USAF Legal Advisor (HQ CAP-USAF/JA). See CAPR 62-2, *Mishap Reporting and Review*, for the on-line mishap notification process, and CAPR 52-10 for special reporting requirements of the Cadet Protection Program.

2. Admission of Liability. Under no circumstances will any CAP member admit liability involving CAP or the United States unless approved by the Chief Executive Officer and the Chief Operating Officer.

3. Preserving Evidence. Preserving evidence is very important. The unit legal officer should be consulted at the earliest possible time. Time and place of the incident and the names of the witnesses should be recorded immediately. All original orders, letters, records, photographs, or other documents must be preserved. CAPR 62-2 provides guidance on serious mishap cases. In reporting accidents and incidents, it is important to report facts only, NOT conclusions!

Section B – Claims Against the United States Government

4. Purpose. This section covers claims by third parties injured or damaged by CAP activities while on an Air Force assigned noncombat mission. Acceptance and processing of a claim is not an admission of liability, responsibility, or obligation of the United States.

Supersedes: CAPR 112-9, 1 December 1992.

Distribution: National CAP website.

OPR: GC

Pages: 3

Notice: CAP publications and forms are available digitally on the National CAP website at: http://www.capmembers.com/forms_publications_regulations/

5. Preparation and Processing of Claims. Claims against the Air Force are presented in the following manner:

a. A claimant may obtain claims forms from any Air Force claims office or contact a CAP-USAF liaison region assistant director of operations.

b. The claimant is responsible for compiling the information required by the claims forms.

c. The completed claims forms should be presented by the claimant to the Air Force legal office nearest to where the accident or incident occurred.

6. Exclusions. The Air Force will not pay the following types of claims:

a. Claims arising out of CAP activities when the Air Force has not requested or authorized CAP to participate on a mission or when the accident or incident occurs outside the time limit for the mission specifically assigned by the Air Force.

b. Claims for the use of or depreciation of privately owned property used by CAP, its senior members, or cadets.

c. Claims for use of, damage to or loss of privately owned property resulting on an Air Force assigned mission.

d. Claims for personal services or expenses incurred by CAP, its senior members, or cadets.

e. Claims based solely on government ownership of property on loan to CAP.

Section C – Claims, Demands, and Legal Actions Against Civil Air Patrol, A Corporation

7. Claims, Demands, or Legal Actions for Damages. Claims, demands, or legal actions for damages may be instituted against CAP because of alleged corporate activities. Use normal business hours, except in emergencies, to inform HQ CAP-USAF/JA and NHQ/GC immediately of the existence and current status of claims, demands, or legal actions.

8. Procedures.

a. Contact the local legal officer immediately.

b. The originals or copies of all legal documents such as complaints; declarations; summonses; correspondence from attorneys or insurance companies; and other related documents, such as statements of witnesses, investigation reports, records; diagrams, etc., shall be forwarded to HQ CAP-USAF/JA and NHQ/GC by electronic mail, fax, or overnight mail. The cover letter should include action taken or contemplated and any pertinent circumstances that do not otherwise appear in the file.

c. This regulation shall not be construed to indicate that actions shall not be taken to protect the corporation and interested individuals. There is normally ample time to notify the insurance agency and National Headquarters. However, if immediate action is required to prevent default judgment in a lawsuit, etc., take the necessary action and make a report to the insurance agent with a copy to HQ CAP-USAF/JA and NHQ/GC.

d. When CAP property is stolen, misappropriated, damaged, or destroyed perform a Report of Survey in accordance with procedures contained in CAPR 174-1, *Property Management and Accountability*. If it appears that the loss or damage can be recovered, the wing commander shall be notified of all of the facts with an informational copy to HQ CAP-USAF/JA and NHQ/GC. The wing commander, upon complete review of the facts and after consultation with the wing legal officer, will make a recommendation to the National Commander on the advisability of bringing a law suit to recover damages.

9. Authority to Sue.

a. As a legal entity, Civil Air Patrol, Inc., has the authority to sue.

b. The Chief Operating Officer or designee is hereby granted the authority to initiate litigation and compromise claims on behalf of Civil Air Patrol. Specific actions include, but are not limited to, actions to ascertain, protect, and enforce the corporation's contractual and property rights.

c. The Chief Operating Officer or designee is granted authority to compromise claims and actions against Civil Air Patrol that are either within CAP's insurance policy limits or which will result in payments by CAP not to exceed \$100,000.

d. The Chief Operating Officer or designee is granted authority to compromise claims and actions brought on behalf of Civil Air Patrol at the request of Chief Executive Officer as such authority is granted by the requesting authority.

e. Upon the authorization of Chief Executive Officer or Chief Operating Officer, CAP may appear as an amicus curiae ("friend of the court") in matters that are in the best interest of the Civil Air Patrol. This paragraph does not authorize the expenditure of funds such as hiring outside counsel or incurring fees beyond reasonable filing fees.

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Commander