



LEGAL CLAIMS

Shaw Air Force Base, S.C.

A tort claim is a legal assertion by a person who claims they have been harmed by torts (wrongful acts), including negligence, by government agencies or their employees. When citizens believe they have been harmed by negligence or wrongful acts committed by the government, the process for seeking compensation is to file a claim. There is a formal process for filing claims and taking legal action.



HOW DO I FILE A CLAIM?

The Federal Tort Claims Act requires claimants to first file an administrative claim with the Air Force before pursuing a lawsuit in court. Citizens can file legal claims for damages through the Shaw legal office, which will begin the process for Air Force consideration. The legal office staff will provide citizens with general guidance on how to file claims and provide them with the proper forms. Citizens who want to file a claim must submit a Standard Form 95, which the legal office will provide.

Since attorneys in the base legal office work for the Air Force, they cannot act as legal counsel for the citizen filing the claim. Citizens may consider hiring an independent attorney to help them put together their claim package.

Claims require supporting documentation to prove damages, injury or death. For example, in the case of property devaluation claims, a claimant must be able to provide evidence of property devaluation. This can be challenging. If a citizen is considering a claim based on property devaluation, the Air Force recommends the individual consults an independent attorney.

Once you have completed the SF 95, you should submit the paperwork to the Shaw legal office. The legal office will conduct an initial investigation and review of the claim and then forward it to the environmental law and litigation division in Washington, D.C., which determines whether to approve the claim. If the claim is approved, the process ends at this point and the claim is paid. If the claim is denied, the claimant then has the right under the Federal Tort Claims Act to file suit in federal district court.

For more information about claims or to file a claim, call the Shaw legal office, (803) 895-1560.

POINTS OF CONTACT

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FOR MORE INFORMATION

U.S. Environmental Protection Agency: www.epa.gov
South Carolina Department of Health & Environmental Control: www.scdhec.gov

