

BPA Policy 220-1

Employee Claims for Loss or Damage to Personal Property

Management and General Administrative

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1. Purpose & Background

This is BPA's policy on claims for damage or loss of employees' personal property. BPA has the discretion to pay these claims under the Military Personnel and Civilian Employees Claims Act (31 U.S.C., Section 3721 et seq.).

2. Policy Owner

BPA's Office of General Counsel, has overall responsibility for monitoring, reporting, deploying, evaluating, and proposing revisions to this policy

3. Applicability

BPA employees. This policy is not applicable to CFTE.

4. Terms & Definitions

A. **Loss:** Includes both damage and theft.

B. **Claimant:** The employee, his/her authorized representative, or, if the employee is deceased, his/her spouse, children, parents, or siblings.

5. Policy

The basic conditions that govern settlement of employee claims include:

- A. The damage or loss must be incidental to the employee's service.
- B. The property in employee's possession must be deemed reasonable or useful under the circumstances.
- C. No part of the loss or damage is caused by fault (negligence or wrongful act) of the employee.
- D. The employee must present a claim in writing within 2 years after the claim accrues.
- E. The maximum amount covered is \$40,000.

6. Policy Exceptions

None.

7. Responsibilities

The BPA General Counsel or his/her designee is authorized to settle these claims administratively.

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8. Standards & Procedures

Claimants may file a claim by submitting Form DOE F 2040.3e, Employee Claim for Loss or Damage to Personal Property. However, any written statement may be accepted as a timely claim if it presents sufficient facts for a decision on the claim.

- A. **Certification:** The claim must be signed by the employee’s supervisor, certifying that the employee’s loss was incident to service, and that the use of the employee’s property was reasonable, useful, or proper.
- B. **Investigation:** If more facts are required or an investigation is needed to approve or deny a claim, the General Counsel or designee will direct or arrange for an investigation or further fact gathering.
- C. **Settlement:**
 1. Any approval of a claim is at the sole discretion of the General Counsel or his/her designee.
 2. The amount awarded for lost, stolen, or destroyed property is normally the fair market value at the time of loss, less any salvage. Relevant factors that may be considered include the purchase price or value at time of acquisition. If appropriate, depreciation helps determine fair market value at time of loss.
 3. The amount awarded for damaged property is normally the cost of repairs, not to exceed the fair market value of the property at the time of damage.
 4. BPA may, at its discretion, replace the property in kind rather than pay compensation.
 5. BPA may, at its discretion, pay for other incidental expenses.
- D. **Reconsideration:** If a claimant is dissatisfied with the determination of his/her claim, he/she may ask for written reconsideration within a period of six months from the date of determination. A final determination of the claim will be made within six months from the date of the filing of request for reconsideration.
- E. **Types of claims that may be allowed:** The following types of claims are included within the meaning of the Act:
 1. Loss of property due to fire, flood, hurricane, etc., while located in Government quarters or stored in a warehouse or other authorized place.
 2. Loss of property incidental to shipment or transportation pursuant to travel orders.
 3. Loss or damage to property which is reasonably incidental to service as a BPA employee.

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F. Compensation recovered from third parties

1. If a claimant has received compensation from a third party, the amount allowed by BPA is reduced to the extent of the amount recovered from the third party.
2. If BPA pays a claim, any amount later recovered by the claimant from a third party for the property damage or loss must be repaid to BPA, up to the amount of BPA's payment.

G. Reporting loss or damage to personal property

1. All thefts, loss, damage, or vandalism occurring to property, regardless of location, should be promptly reported to Security Management on Form [BPA F 5632.01](#), Security Incident Report.
2. In addition, theft, loss, damage, or vandalism to property should also be reported to the appropriate office as indicated below:
 - a. Lloyd Center Complex: Security & Emergency Management
 - b. Ross Complex: Building and Grounds Manager
 - c. Regional Officers or other field locations: Appropriate supervisor and/or regional manager.
3. Offices receiving reports should immediately notify BPA Security and Emergency Management for assistance and/or coordination with law enforcement agencies.
4. This action should be taken regardless of whether or not an employee intends to file a claim.

9. Performance & Monitoring

No performance and monitoring are required for this policy.

10. Authorities & References

Military Personnel and Civilian Employees Claims Act (31 U.S.C., Section 3721 et seq.)

11. Review

At a minimum, the Office of General Counsel will review the accuracy and relevance of this policy every five years in accordance with the sunset review standard.

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12. Revision History

Version Number	Issue Date	Brief Description of Change or Review
2.0	June 3, 2014	Migration of content to new BPA Internal Policy format
3.0	October 7, 2019	Sunset Review of policy. Minor changes for clarification

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