CHIEF FINANCE OFFICE
Financial Management

TSA MANAGEMENT DIRECTIVE No. 1000.15
CLAIMS MANAGEMENT

To enhance mission performance, TSA is committed to promoting a culture founded on its values of Integrity, Respect and Commitment.

REVISION:
This revised directive supersedes TSA MD 1000.15, *Claims Management*, dated August 9, 2019.

SUMMARY OF CHANGES:
Header, added new TSA seal; Section 3, Authorities, updated; administrative updates throughout.

1. PURPOSE:
This directive provides TSA policy and procedures for reporting, researching, examining, adjudicating, and overall management of claims filed under the Federal Tort Claims Act (FTCA) or Small Claims Act (SCA) for damage to or loss of personal property, personal injury, or death caused by the negligent or wrongful act or omission of an employee of TSA while acting within the scope of office, or employment, and claims filed under the Military Personnel and Civilian Employees' Claims Act (MPCECA) by employees who suffered service-related property loss or damage.

2. SCOPE:
This directive applies to all TSA locations nationwide.

3. AUTHORITIES:

A. 28 United States Code (U.S.C.) §§ 1346(b), 1402(b), 2401(b) and 2671–2680, FTCA

B. 31 U.S.C. § 3721, MPCECA

C. 31 U.S.C. § 3723, SCA

D. 28 Code of Federal Regulations part 14, Administrative Claims Under FTCA

E. Department of Treasury Financial Manual, Volume 1, part 6, Ch. 3100, *Certifying Payments and Recording Corresponding Intragovernmental Receivables in the Federal Government's Judgment Fund*

F. Department of Homeland Security Management Directive (MD) 1650.1, *Personal Property Claims and Tort Claims*

G. TSA MD 100.0, *TSA Roles and Responsibilities*

H. TSA MD 200.51, *Disposition of Lost or Unclaimed Personal Property Found in TSA-Occupied Spaces*

I. TSA MD 200.53, *Motor Vehicle Fleet Management*

J. TSA MD 900.1, *Passenger Screening Complaints*

K. TSA Operations Directive (OD) 400-18-1C, *Security Incident Reporting*

L. TSA OD 400-18-2K, *Reporting Security Incidents to the Transportation Security Operations Center*

M. TSA Financial Management Manual (FMM) 1.7.8, *Employee and Tort Claims Management*

N. Memorandum from TSA Chief Counsel, dated April 1, 2018, re: *Claim Guidance for Employees Who Have Suffered Property Loss or Damage Incident to Service*

4. DEFINITIONS:

A. Claimant: Any person, including passengers, airline/airport employees, vendors, and insurers, who files a claim with TSA under FTCA, MPCECA, or SCA. An employee of any Federal agency including TSA may also be a claimant.

B. Claims Management Local Point of Contact (CMLPOC): The person, position, or office designated by the Federal Security Director (FSD) to work in conjunction with the Financial Management Division Claims, Outreach, and Debt Branch (CODB), Chief Counsel (CC), and local employees assigned to the field office to support the examination of claims filed with TSA.

C. Claims Management System (CMS): The TSA database system used by CODB, CC, and CMLPOCs to track claims filed with TSA. CMS is access controlled due to the private nature of the information collected and TSA security requirements.

D. Employee Claim: A claim made under MPCECA filed by a TSA employee who suffers duty-related personal property loss or damage. TSA employees may use Department of Defense (DD) Form 1842, *Claim for Loss of or Damage to Personal Property Incident to Service*.

E. Incident Report: A form used by TSA airport and field personnel to report a variety of incidents including those that may result in a claim being filed with TSA. See TSA Form 414, *Incident Report*.

F. Tort Claim: A written demand for compensation under FTCA submitted by a claimant or a representative of the claimant duly authorized in writing by the claimant for damage to or loss of personal property, personal injury, or death caused by the negligent or wrongful act or omission of any TSA employee while acting within the scope of office or employment. Tort claims may be submitted using Standard Form (SF) 95, *Claim for*

Damage, Injury, or Death, or in any written form, provided that the claim contains a statement of facts containing enough information to allow TSA to investigate the claim, a demand for a sum certain, and a proper signature.

NOTE: A tort claim does not include any claim for which the exclusive remedy is provided by a contract, lease, cooperative agreement, or other transaction with the United States (U.S.); by the Tucker Act, 28 U.S.C. § 1491; the Contract Disputes Act, 41 U.S.C. §§ 7101–7109; or by any other federal statute or regulation.

5. RESPONSIBILITIES:

A. The Chief Finance Office is responsible for:

(1) Developing and issuing policy guidance related to the handling of claims in accordance with FTCA, MPCECA, and other applicable guidance;

(2) Receiving, examining, and adjudicating property claims filed with TSA under FTCA, and receiving and examining claims filed with TSA under MPCECA;

(3) Adjudicating property tort claims where payment does not exceed $2,500;

(4) Providing training and counsel to CMLPOCs regarding the claims management process including claims research, metrics, and trending analysis on a local level;

(5) Coordinating agency responses to media and Congressional inquiries regarding claims policy, incidents, and metrics;

(6) Observing local operating practices to provide recommendations on mitigating actual claims and preventing potential claims; and

(7) Providing claims reporting and analysis to other Program Offices to assist with identifying claims anomalies that could be indicators of criminal or administrative misconduct.

B. The CODB is responsible for receiving, examining, and adjudicating claims filed with TSA.

C. The Enterprise Support Security and Administrative Services is responsible for establishing, enforcing, and following the procedures for reporting and maintaining records of accidents involving Government vehicles, as provided in TSA MD 200.53, and any implementing handbooks, Standard Operating Procedures, policy statements, etc.

D. CC is responsible for:

(1) Providing legal guidance and advice on the documentation, examination, and adjudication of claims;

(2) Approving tort claim payments greater than $2,500;

(3) Examining and adjudicating personal injury tort claims;

(4) Adjudicating untimely claims, claims arising from employee theft, and claims filed with TSA under MPCECA;

(5) Delegating claims resolution authority to individual Delegated Authority Officials in CC and CODB; and

(6) Handling litigation arising from tort claims.

E. Delegated Authority Officials are responsible for reviewing recommendations made by claims examiners to approve, compromise, or deny administrative claims in accordance with TSA policies and procedures.

F. Domestic Aviation Operations (DAO) is responsible for ensuring compliance in completion and submission of incident reports relating to FSD or field operations incidents.

G. Investigations (INV) is responsible for:

(1) Notifying CODB when final recommendations on claims should be suspended due to a potential or ongoing criminal or administrative investigation within the authority or knowledge of INV. CODB will then advise CC as appropriate; and

(2) Conducting administrative investigations where evidence presented indicates a fraudulent claim has been filed.

H. FSDs are responsible for:

(1) Designating a CMLPOC and ensuring that the airport profile in CMS is reviewed regularly for accuracy and updated as necessary;

(2) Ensuring TSA field staff complies with the provisions of this directive;

(3) Ensuring that matters requiring further review by management personnel, including incidents alleging theft, assault, or similar misconduct, as well as potential problem or high-risk areas as determined through data collection and trend analysis, are properly researched; and

(4) Reporting confirmed or suspected criminal activity to INV.

I. CMLPOCs are responsible for:

(1) Working in conjunction with CODB, CC, and local employees who are assigned to the field office to support the examination of claims filed with TSA;

(2) Responding to requests for information and/or research assistance related to claims from CODB and CC within a reasonable amount of time;

(3) Reviewing information in CMS for the assigned airport(s), conducting comparative analysis, and reporting trends and other anomalies to the FSD and local management;

(4) Reporting results of findings to CODB after researching unusual trends and anomalies;

(5) Developing local claims procedures related to claims documentation and submission to appropriate offices for review and action;

(6) Following procedures for processing and accounting for lost and found property as specified in TSA MD 200.51.

(7) Providing training to Transportation Security Officers (TSOs), including Lead TSOs and Supervisory TSOs (STSOs), Transportation Security Managers (TSMs), and other appropriate personnel related to local claims processing procedures, including communicating with the public concerning potential claims;

(8) When appropriate, advising CODB of employee terminations or other disciplinary actions for theft or other misconduct that could give rise to claims, for example, theft of passenger property or unprofessional conduct involving a passenger; and

(9) Advising CODB of any local law enforcement investigations that could affect the administrative claims process for the respective airport.

J. Supervisory Screening Personnel (including STSOs, Acting STSOs and TSMs) are responsible for:

(1) Responding promptly to requests for information related to claims from the CMLPOC within a reasonable amount of time as agreed upon locally to ensure that any available information is retained and reported back to CODB, as appropriate, in a timely manner; and

(2) Documenting incidents that may lead to a claim being filed with TSA, and ensuring the information is provided to the CMLPOC. Documentation includes:

(a) Completing TSA Form 414, *Incident Report*, or other report, as appropriate;

(b) Obtaining witness statements (including SF-91 and SF-94 for motor vehicle accidents);

(c) Securing a copy of any video/closed-circuit television coverage of the incident;

(d) Taking photographs (if applicable);

(e) Ensuring any passenger identification information is properly retained and protected; and

(f) If appropriate, providing customers with the information needed to file a claim, including how to access CODB information located on www.tsa.gov/travel/passenger-support/claims.

K. TSA Contact Center is responsible for:

(1) Providing customers with the information needed to file a claim via www.tsa.gov/travel/passenger-support/claims and emailing the customer an SF 95;

(2) Providing customer with information on how to check the status of their claim; and

(3) Sending follow-up complaints/questions regarding outstanding claims to the CODB at TSAClaimsOffice@tsa.dhs.gov.

6. POLICY:

A. MPCECA and FTCA claims are processed by CODB:

(1) MPCECA:

An employee may file a personal property claim if the loss or damage resulted incident to service with TSA by completing the optional DD Form 1842. An employee's personal property claim may be allowed if:

(a) The damage or loss was not caused wholly or partly by the negligence or wrongful act of the claimant;

(b) The possession of the lost or damaged property is determined to have been reasonable or useful under the circumstances; and

(c) The claim is substantiated by proper and convincing evidence.

(2) FTCA:

A tort claim can be filed with TSA by anyone, including a TSA employee whose property loss/damage was caused by the negligent or wrongful act or omission of another TSA employee, by completing an SF-95. For instance, if a TSO conducting baggage screening caused damage to the contents in a traveler's checked baggage during the screening process, the traveler may file a tort claim. Use of the SF-95 is not mandatory but the claimant must submit a document signed and dated by the claimant or their authorized representative that includes:

(a) A description of the facts and circumstances giving rise to the claim and the resulting injury, loss, or damage, sufficient to allow TSA to investigate the claim; and

(b) A statement of the specific amount of compensation claimed for property loss or damage, personal injury, or wrongful death.

B. A claimant must file a tort or employee claim within two (2) years after the claim accrues, which is typically the date of the incident.

C. If a tort claim is denied, or is not resolved within six (6) months after the date it was properly presented to TSA, the claimant may file suit in an appropriate U.S. District Court.

D. If TSA denies a tort claim, the claimant may file suit within six (6) months after the mailing of the decision letter.

E. CODB must forward to CC all claims filed under MPCECA and SCA for adjudication, and those claims filed under FTCA that are untimely, that allege personal injury, or that arise from employee theft; or when payment is recommended in an amount over $2,500.

7. PROCEDURES:

For detailed guidance on employee and tort claims processing, please refer to TSA FMM 1.7.8.

8. APPROVAL AND EFFECTIVE DATE: This policy is approved and effective the date of signature unless otherwise specified.

APPROVAL

Signed
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Pat A. Rose, Jr
Assistant Administrator for the Chief
Finance Office/Chief Financial Officer

November 18, 2022
_____
Date

EFFECTIVE

_____
Date

Distribution: CC, INV, DAO, FSD, Enterprise Support, TSA personnel

Point-of-Contact: FMD Financial Policy and Travel Branch
TSA_Financial_Policy@tsa.dhs.gov