



## AVOID PAYING FOR LOST OR DAMAGED GOVERNMENT PROPERTY FACT SHEET



A Financial Liability Investigation of Property Loss (FLIPL) determines whether a Soldier should pay for the loss or damage to Government property. Soldiers have a responsibility for government property. The **responsibility** for government property arises from a position as a commander, a supply sergeant, an executive officer, a supervisor or as an individual. Each type of responsibility requires the person to act in a reasonable manner. For example, a person has personal responsibility of equipment that is in their personal possession.

An investigator in an investigation will determine if a Soldier's actions were **negligent**. A person is negligent if he or she does not use the care for property that a reasonably prudent person would have used under similar circumstances. If Soldiers neglect their duty or responsibility to act reasonably for the Government property, then they can be found financially liable. A person can act unreasonably if they fail to secure personal property, fail to supervise their subordinates properly concerning their equipment, fail to follow established procedures for caring for equipment, or fail to establish procedures for caring for Government property. Soldiers are often charged because the Government equipment is in their personal possession, they were signed for the equipment, and/or the equipment was not properly cared for by the individual.

The investigator also has to find that the Soldier's actions were the **proximate cause** of the loss or damage. Proximate cause means that the person's negligent actions were the cause of the loss or damage and there were no other intervening negligent actions. For example, if a person speeds on an icy road and then crashes a military vehicle, then the speeding caused the damage or the crash. The speeding is the proximate cause of the crash.

Soldiers should take reasonable steps to care for the property that is entrusted to them or when they have some type of responsibility. Do not let others borrow property in your possession without signing the equipment over to the next person. If you do sign for equipment or sign the equipment over to another person, then keep copies of these hand receipts. Take inventories of the property for which you are responsible. Ensure that the property you have responsibility for is secured properly. The loss or damage to property can cost you up to one month's pay if you are not careful.

Examples:

1. Private Bill was issued equipment from CIF and then stored the equipment in the dayroom at his company until he received a wall locker. His squad leader, SFC Lookout, found his equipment in the dayroom unsecured and immediately put the equipment in the platoon office. Later, SGT Mudd from the platoon left the platoon office door open and someone stole Private Bill's equipment. Is Private Bill at fault?

Private Bill was negligent when he left his equipment in the dayroom. However, his actions did not cause the loss. SFC Lookout locked the equipment in the platoon office. SGT Mudd acted unreasonably or was negligent when he left the door open. SGT Mudd's actions were the proximate cause of Private Joe's equipment. His unreasonable acts caused the equipment to be stolen. SGT Mudd could be recommended for financial liability for the loss of Private Bill's equipment.

2. You are the squad leader and after training for the day you ask your Soldiers to store their personal equipment in the dayroom. The Soldiers ask if this is wise and if they should post a guard on the equipment. You reply that no one is around and it will be safe. The squad goes to lunch and upon the squad's return, Private Bill's binoculars are missing. The squad leader is the supervisor, and he had supervisory responsibility over the Soldiers. The squad leader acted unreasonably when he told the squad members to leave their personal equipment unsupervised. The lack of supervision contributed to the theft of the binoculars. The squad leader could be held financially liable because he failed to properly supervise his squad. Supervisors should properly supervise their subordinates and ensure that Soldiers properly use and care for their equipment.

References:

1. Army Regulation 735-5
2. Department of Army Pamphlet 735-5

If you have been found financially liable as a result of a FLIPL and would like assistance drafting a rebuttal or request for reconsideration , please call the Fort Benning Legal Assistance Office at 706-545-3281/3282.



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