



Transportation
Security
Administration

OFFICE OF FINANCE AND ADMINISTRATION
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, Innovation and Team Spirit.

REVISION: This revised directive supersedes TSA MD 1000.15, Claims Management, dated June 2, 2014.

SUMMARY OF CHANGES: Added various administrative updates for clarification throughout directive.

1. **PURPOSE:** This directive provides TSA policy and procedures for the reporting, researching, examining, adjudicating, and overall management of claims filed with TSA at all levels of the organization to reduce agency liability; improve customer relations; promote efficiency of operations; protect public funds; and avoid and deter fraud, waste, and abuse.
2. **SCOPE:** This directive applies to all TSA locations nationwide.
3. **AUTHORITIES:**
 - A. CFR, Title 28, Part 14, Administrative Claims Under Federal Tort Claims Act
 - B. Title 28 U.S.C. §§1346(b), 1402(b), 2401(b) and 2671–2680, Federal Tort Claims Act (FTCA)
 - C. Title 31 U.S.C. §3721, Military Personnel and Civilian Employees’ Claims Act (MPCECA)
 - D. Title 31 U.S.C. §3723, Small Claims for Privately Owned Property Damage or Loss (SCA)
 - E. [Department of Homeland Security \(DHS\) Management \(MD\) 1650.1, Personal Property Claims and Tort Claims](#)
 - F. [TSA MD 100.0-2, Office of Inspection Roles and Responsibilities](#)
 - G. [TSA MD 200.51, Disposition of Lost or Unclaimed Personal Property Found in TSA-Occupied Spaces](#)
 - H. [TSA MD 200.53, Motor Vehicle Fleet Management](#)
 - I. [TSA MD 900.1, Passenger Screening Complaints](#)

- J. [TSA AD A.2-1, Processing Inquiries Received by the TSA Contact Center, TSA Claims Management Office, and Federal Security Director Staffs](#)
- K. [TSA OD 400-18-2I, Reporting Security Incidents to the TSOC](#)

4. DEFINITIONS:

- A. **Claimant**: Any person, including passengers, airline/airport employees, vendors, and insurers, who file a claim with TSA. An employee of any Federal agency including TSA may also be defined as a claimant.
- B. **Claims Management Branch (CMB)**: The designated office at TSA Headquarters (HQ) responsible for receiving, examining, and adjudicating claims filed with TSA.
- C. **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 CMB at HQ and local employees assigned to the field office in the examination of claims filed with TSA.
- D. **Claims Management System (CMS)**: The TSA database system used by CMB, the Office of Chief Counsel (OCC), and CMLPOCs to process, track, examine, and adjudicate claims filed with TSA. CMS is access controlled due to the private nature of the information collected and TSA security requirements.
- E. **Employee Claim**: A claim made under MPCECA filed by a TSA employee who suffers duty-related property loss or damage. TSA employees may use DD Form 1842, *Claim for Loss of or Damage to Personal Property Incident to Service*.
- F. **Incident Report**: Used by TSA personnel for reporting a variety of incidents including those that may result in a claim being filed with TSA. See [TSA Form 414, Incident Report](#).
- G. **Tort Claim**: A written demand for compensation under FTCA submitted by a claimant for damage to or loss of property, personal injury, or death caused by the negligent or wrongful act or omission of any TSA employee of the TSA while acting within the scope of his/her office or employment. Tort claims may be submitted using Standard Form 95, *Claim for Damage, Injury, or Death* or in any written form, provided that the claim contains an adequate statement of facts, 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; 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 governing the acquisition, funding, or disposition of real property, goods, or services.

5. RESPONSIBILITIES:

- A. The Office of Chief Counsel (OCC) is responsible for:
 - (1) Providing legal guidance and advice on the documentation, examination, evaluation, and adjudication of claims.
 - (2) Approving tort claim payments greater than \$2,500.
 - (3) Examining and adjudicating personal injury tort claims.
 - (4) Adjudicating employee claims.
 - (5) Designating individuals as Delegated Authority Officials (DAOs).
 - (6) Handling litigation arising from tort claims.

- B. The Director of the Financial Management Division (FMD) is responsible for:
 - (1) Appointing a Branch Chief to manage and direct the Claims Management Program functions and human resources assigned to CMB.
 - (2) Developing and issuing policy guidance related to the handling of claims in accordance with FTCA, MPCECA, and other applicable guidance.

- C. Fleet and Transportation Services Branch Chief is responsible for following procedures for Motor Vehicle Fleet Management as specified in TSA MD 200.53.

- D. The Office of Inspection (OOI) is responsible for:
 - (1) Notifying CMB when final recommendations on claims should be suspended due to a potential or ongoing investigation. CMB will then advise OCC as appropriate.
 - (2) Conducting criminal and administrative investigations of employees who are alleged to have committed misconduct.
 - (3) Conducting criminal investigations of entities and persons regulated by TSA.
 - (4) Conducting criminal investigations where evidence presented indicates a fraudulent claim has been filed.
 - (5) Operating TSA's "Hotline" for reports of criminal and administrative misconduct.

- E. CMB is responsible for:
 - (1) Receiving, examining, and adjudicating property claims filed with TSA under FTCA, and receiving and examining claims filed with TSA under the MPCECA.
 - (2) Adjudicating property tort claims where payment does not exceed \$2,500.

- (3) Providing training and counsel to CMLPOCs regarding the claims management process including claims research, claims metrics, and trending analysis on a local level.
- (4) Coordinating agency responses to media and Congressional inquiries regarding claims policy, claims incidents, and claims metrics.
- (5) Observing local operating practices to provide recommendations on how to mitigate actual claims and how to prevent potential claims.
- (6) Providing claims reporting and analysis to other program offices to assist with identifying claims anomalies that could be indicators of criminal or administrative misconduct.

F. DAOs are responsible for:

- (1) Reviewing recommendations made by claims examiners to approve, compromise, or deny administrative claims in accordance with TSA policies and procedures.
- (2) Rejecting the examiner's recommendation if not supported by the evidence and returning the claim to the examiner for further review as directed.
- (3) Accepting the examiner's recommendation if supported by the evidence and advising the claimant of the final decision on the claim.

G. FSDs are responsible for:

- (1) Designating a CMLPOC and ensuring that the airport profile in the 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.
- (4) Reporting confirmed or suspected criminal activity to OOI.

H. CMLPOCs are responsible for:

- (1) Working in conjunction with CMB and OCC at HQ and local employees assigned to the field office to examine claims filed with TSA.
- (2) Responding to requests for information and/or research assistance related to claims from CMB and OCC within a reasonable amount of time, not to exceed ten (10) business days.

- (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 CMB 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 Transportation Security Officers (LTSOs) and Supervisory Transportation Security Officers (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 CMB of employee terminations or other disciplinary actions for theft or other misconduct that could give rise to claims, specifically theft of passenger property or unprofessional conduct involving a passenger.
 - (9) Advising CMB of any local law enforcement investigations that could affect the administrative claims process for the respective airport.
- I. Screening Supervisory 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 CMB, as appropriate, in a timely manner.
 - (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
 - (b) Obtaining witnesses' statements (including SF-91 and SF-94, in the case of motor vehicle accidents).
 - (c) Securing a copy of any video/closed-circuit television (CCTV) coverage of the incident.
 - (d) Taking photographs (if applicable).
 - (e) Ensuring any passenger identification information is properly retained and protected.

- (f) If appropriate, providing customers with the information needed to file a claim, including how to access CMB information located on www.tsa.gov.

6. POLICY:

- A. A claimant must file a tort or employee claim within two years after the claim accrues which is typically the date of the incident from which the claim arises.
- B. If TSA fails to take final action on a tort claim within six months after the claim is received, the claimant may deem the claim as denied and file suit in an appropriate U.S. District Court.
- C. If TSA denies a tort claim, the claimant may request agency reconsideration or file suit within six months after the mailing of the decision letter.
- D. The filing of a reconsideration request suspends the tort claimant's option to sue for six months, or until the request is denied, whichever is earlier.
- E. Tort claims for property damage or loss caused by TSA employee negligence that are not cognizable under FTCA (e.g., claims arising in a foreign country) may be payable under SCA. CMB should consult with OCC to determine whether such claims are payable under SCA.

7. PROCEDURES: Information concerning the claims management process can be found on the [Claims Management Branch](#) iShare page, as well as on the TSA public [Claims Management Branch](#) Internet page.

- A. Reporting Misconduct: To report misconduct, call the OOI Hotline at 571-227-1800. During non-duty hours and weekends, please call the OOI duty officer at 202-870-1887 for assistance involving incidents that require an immediate response. For e-mail communications, direct messages to TSAInspectionHotline@dhs.gov.
- B. Documenting Potential Claims:
 - (1) Complete TSA Form 414. If a TSA Form 414 is not readily available, complete a document that is in accordance with local procedures in lieu of TSA Form 414, including the following:
 - (a) Record the potential claimant's name and contact information.
 - (b) If traveling, record the flight information.
 - (c) If witnesses are available, record their names and contact information.
 - (d) Record the names of all TSA employees who were involved or witnessed the incident.

- (e) If property is involved, record the description, estimated value, and functionality of the item.
- (f) Briefly summarize the incident.
- (g) Record additional information listed on the TSA Form 414.

NOTE: TSA Form 414 is to be completed for all incidents that occur in the conduct of TSA operations that may result in a claim against the United States Government or its employees. The potential claimant generally provides this information voluntarily. If the individual chooses not to provide information, it should be recorded in the incident summary section. Motor vehicle accidents should be documented using Standard Form 91, *Motor Vehicle Accident Report* and submitted to the Fleet and Transportation Services Branch in accordance with TSA MD 200.53.

- (2) Collect statements from the TSA employees who were involved in or witnessed the incident, as well as from other witnesses who are willing to provide statements, including the potential claimant.
- (3) Secure copies of CCTV video, if available.
- (4) Take photographs, where applicable, of damaged property and the specific area(s) where an incident has reportedly occurred.

C. Reporting Potential Claims:

- (1) TSA Form 414 will be submitted to the CMLPOC for review and record keeping.
- (2) The CMLPOC will enter an incident report into CMS.
- (3) The CMLPOC will send the completed TSA Form 414 and accompanying statements and photos to the CMB examiner assigned to their airport. Appropriate documents and photographs may also be uploaded into CMS incident report if they do not contain Sensitive Security Information.

D. Researching Claims: Many claims will require further investigation and fact finding in order to be properly examined by claims examiners. The following provides general recommendations to FSD designated personnel for investigating claims at the airport to assist the examination process.

- (1) Review the details of the claim and determine what additional information is needed in order to either confirm or refute the claimant's allegations.
- (2) Review local files, incident reports, photographs, shift summaries, and pass down logs, to determine if there are any records of the alleged incident. Ensure that copies are made of any relevant documentation.

- (3) Check staffing records, break logs, sign-in sheets, and rotation logs, to determine which TSA employees were on duty and were probable witnesses to the alleged incident.
- (4) If appropriate, consult with other entities involved, such as air carriers and vendors, to determine what information they have concerning the claim.
- (5) If video surveillance is available, request/obtain a copy and retain in proper storage conditions in accordance with records retention guidelines or as directed by OCC.
- (6) If related to checked baggage, review and obtain copies of records related to bags searched (e.g., alarm logs, forced entry/cut lock logs, hazmat logs, and prohibited items logs).
- (7) Compose a summary of findings with accompanying fact-finding records.
- (8) Upon conclusion of the local review, the CMLPOC should review the summary of findings for completeness and resolution of claimant's allegations.
- (9) The CMLPOC should send the complete research packet, including the summary of the facts, all records, reports, statements, photos, and videos, to CMB either by uploading appropriate documents into CMS and/or mail to the CMB examiner assigned to the claim.
- (10) If evidence collected by the researcher leads to reasonable suspicion or a high probability of criminal activity at any point while researching the claim, do NOT proceed with interviewing witnesses. OOI must be notified. Report your findings to the FSD in order to notify OOI to request further investigative assistance.

E. Claims Processing:

- (1) Once a claim has been received by CMB, it is entered into the CMS and assigned a claim number. An automatic email notification is sent to the CMLPOC informing them of a new claim entered for their respective airport.
- (2) If the claim is insufficient, the claimant is advised of the insufficiency in writing. If it is sufficient, an acknowledgement letter is mailed to the claimant.
- (3) The examiner conducts a liability investigation of the claim. This may include:
 - (a) Researching receipts, appraisals, flight information, and other relevant materials.
 - (b) Communicating with the claimant.
 - (c) Directing TSA field and other personnel.

- (4) The examiner recommends approving the claim in full, offering a settlement, or denying the claim.
 - (5) The claim is then forwarded to a DAO for adjudication. If the DAO accepts the examiner's recommendation, a letter is sent advising the claimant of the final decision on the claim. If the DAO rejects the examiner's recommendation, the file is returned to the examiner for further evaluation.
 - (6) If the decision is to approve the claim in full or to offer a settlement, the decision letter will include instructions for accepting the offer and enclose the appropriate payment form. Once the form is returned to CMB, the claim payment is processed through the U.S. Coast Guard Finance Center or, for payments over \$2,500, the Financial Management Service of the U.S. Treasury Department.
 - (7) If the claim is denied, the letter will be mailed via certified (domestic) or registered (foreign) mail and will advise the claimant of their options to file suit.
- 8. APPROVAL AND EFFECTIVE DATE:** This policy is approved and effective the date of signature unless otherwise specified.

APPROVAL

Signed

April 26, 2016

Pat A. Rose, Jr., Assistant Administrator for
Finance and Administration/Chief Financial Officer

Date

EFFECTIVE

Date

Distribution: Office of Chief Counsel, Office of Inspection, Office of Security
Operations

Point-of-Contact: Branch Chief, Claims Management, TSAClaimsOffice@dhs.gov, 571-
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