DEPARTMENT OF THE ARMY
MISSISSIPPI VALLEY DIVISION, CORPS OF ENGINEERS
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INTRODUCTION TO CLAIMS PROCESS

Federal, State, and local agencies are engaged in an unprecedented effort to respond to the historic 2011 Mississippi River flooding. The Corps of Engineers is earnestly dedicating its resources to the flood fight as part of its responsibility for operating the Mississippi River and Tributary System. In order to reduce the risk of levee failures within the overall Mississippi River and Tributary System and to prevent the loss of life and property that otherwise would occur, the Corps operated the Bird's Point - New Madrid, Bonnet Carré and Morganza Floodways.

The Corps believes that it has acquired the real estate rights that are necessary to operate these Floodways. Nonetheless, in recognition of the existing and potential future use of the Floodways, the Corps has established a process to accept and review claims from members of the public who believe they are entitled to compensation for damages caused by or property taken as a result of Floodway operations. The process will allow the Government to evaluate the claims, and, if liable, to offer appropriate compensation as permitted by law.

For a claim of personal injury or property damage due to negligence of a federal employee, federal law requires that a claimant file a written administrative claim within two years of the act causing the damage or injury. Filing this administrative claim is a legal prerequisite to filing a lawsuit against the United States seeking compensation for such damage. Filing the claim can be accomplished by submitting a completed Standard Form 95 (SF-95) and sending it to the Corps of Engineers District exercising jurisdiction over the location where the claimed damage or injury occurred.

For a claim for compensation based on an alleged Fifth Amendment "taking" of property as a result of floodway operations, there is no legal requirement that an administrative claim be filed. A property owner is free to file a lawsuit against the United States seeking compensation in the appropriate federal court, within six years of the alleged "taking". Nevertheless, the Corps will accept "taking" claims for those who wish to have their claims reviewed administratively. Here too, filing of the claim can be accomplished by submitting a completed SF-95 and sending it to the Corps of Engineers District exercising jurisdiction over the location where the claimed "taking" occurred.

Members of the public may also be entitled to other forms of emergency relief or assistance unrelated to the claims process. However, any such programs would be administered by other Federal, State, or local agencies and requests for emergency assistance and recovery should be directed to those officials.

This information, plus additional details on the claims process (including a sample of SF-95) is available online at www.mvd.usace.army.mil.