

Claims Processing Under the Federal Tort Claims Act (FTCA)

The Forest Service is not able to comment on matters concerning potential litigation. If you feel that you have a potential claim against an agency of the United States Government, you may file a claim in accordance with the Federal Tort Claims Act (FTCA). Attached are answers to frequently asked questions about the submission of FTCA claims to the Forest Service.

Does the Forest Service decide how much to pay on each claim?

- No Forest Service employee has the authority to admit liability or promise payment to any tort claimant. Further, the Forest Service does not have the authority to settle tort claims, and must send completed claims packages to the USDA Office of the General Counsel (OGC) for a determination.

What is the process for seeking compensation if a person believes they have suffered personal injury or property loss due to the negligence of the Forest Service.

- An injured party may file a claim for compensation under the (FTCA).

How do I get information on filing a tort claim, or on the status of my claim?

- Call 1-877-372-7248 and ask for the Forest Service Claims Branch.

How long do I have to file my claim?

- The claim must be filed within 2 years from the date of the incident to be considered.

Where do I send my claim against the Forest Service?

- US Forest Service, ASC Claims Branch, 101B Sun Avenue NE, Albuquerque, NM 87109.

How soon will my claim be decided?

- The Government has six months from the date a duly filed or amended claim is filed to make a determination, or else it is considered to be a constructive denial.

Are there instances where a claim will not be decided in six months?

- Per USDA policy, claims are held in abeyance until all claims on a multiple-claim incident are received or the 2 year SOL has passed, whichever comes first.

What recourse does a claimant have if a determination is not made within six months?

- If a claimant does not receive a determination letter from OGC within six months after filing the claim or amended claim, it is considered a constructive denial and the claimant may proceed to file a lawsuit in Federal District Court to have their claim decided.

Who decides whether or not the Government was negligent regarding a resource incident?

- Only the USDA Office of the General Counsel may make a determination on whether the Forest Service was negligent, unless a case is filed in federal court.

Will I receive the full amount of my claim, or a percentage?

- The amount paid on a claim, if any, is determined by OGC and/or the Department of Justice. It will depend on many factors including liability of all parties involved and supporting documentation for damages requested.