

INSTRUCTIONS FOR SUBMITTING AN ADMINISTRATIVE TORT CLAIM WITH THE UNITED STATES MARSHALS SERVICE

NOTE: The United States Marshals Service is only responsible for adjudicating claims that allege the involvement of the United States Marshals Service. If you are alleging injury by an agency that is not the United States Marshals Service, you must submit your claim to the agency that you claim caused your injury.

In order to complete your claim with the United States Marshals Service, you must complete all blocks of the attached [Standard Form \(SF\) 95, Claim for Damage, Injury, or Death](#) and sign the form. If you have an email address where you can receive communications about your claim, please include it on your form. You must also submit the following information pursuant to 28 C.F.R. § 14.4:

1. If a claim is being made for personal injuries (motor vehicle accidents and other non-prisoner injury):
 - a. Physician(s) reports setting forth the nature and extent of your injury; the nature and extent of your treatment; the degree of any temporary or permanent disability; your prognosis; period of any hospitalization; and any diminished earning capacity.
 - b. Itemized bills or paid receipts for medical and hospital expenses incurred.
 - c. If you are claiming lost wages, a written statement from your employer on company letterhead itemizing the number of hours absent from employment due to the alleged injury, the amount of wages/salary lost for each hour, and the total amount of wages/salary claimed.
2. If a claim is being made for property damage:
 - a. Proof of real property, personal property, or vehicle ownership (e.g., copy of vehicle registration/title, deed, mortgage documents, property receipts, etc.).
 - b. Either two itemized estimates of the cost to repair/replace the property or, if already repaired/replaced, a copy of the itemized paid receipt with proof of payment.
 - c. Substantiation of the cost of any other out-pocket-expenses.
3. If a claim is being made for loss of a prisoner's personal property:
 - a. Copies of prisoner personal property receipts from each agency in whose custody you were in (i.e., USMS, BOP, local jail, etc.), up to the time of your alleged loss.
 - b. Include in your narration of the circumstances in Block 8 the names of individuals who were involved in, or who had knowledge of, the loss of your personal property.
 - c. Include your inmate registration number in Block 2.

4. If a claim is being made for injury while a prisoner:
 - a. All available medical documentation to substantiate your claimed injury.
 - b. Include in your narration of the circumstances in Block 8 the names of individuals who were involved in, or who had knowledge of, the circumstances surrounding your injury.
 - c. Include your inmate registration number in Block 2.

5. If you are being represented by an attorney, you must provide evidence of his or her authority to represent you that includes your signature (e.g., a copy of the signed retainer agreement, etc.). NOTE: There is no provision for attorney fees to be separately awarded under the FTCA. See, e.g., 28 U.S.C. § 2412(a)(1). Attorney fees deducted from the amount awarded to you are limited to no more than 20% of the amount of an administrative settlement or no more than 25% of a judgment or a settlement of suit in litigation. See 28 U.S.C. § 2678.

Under the provision of the Federal Tort Claims Act, the Government is afforded six months from the date a completed tort claim is received by this agency to administratively adjudicate the claim before a claimant can institute a civil action [28 U.S.C. § 2675(a)].

Please complete, sign and date the enclosed SF-95. Mail it, along with all required information and available documentation (to include your e-mail address), to:

(Via U.S. Mail)
USMS Tort Team
Office of General Counsel, CG-3, 15th Floor
United States Marshals Service
Washington, DC 20530-0001

(Via FedEx or UPS)
USMS Tort Team
Office of General Counsel, CG-3, 15th Floor
United States Marshals Service
Landover Operations Center
3601 Pennsy Drive
Landover, MD 20785

In the alternative, you may scan and e-mail your claim form and all documentation to: USMSTORTClaims@usdoj.gov.

You are responsible for notifying the USMS Office of General Counsel of any changes of address after submitting your claim.