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10000/142/781

CLAIMS AGAINST ALLIED FORCES
JAN. 1944 - JAN. 1946

CLAIMS AGAINST ALLIED FORCES
JAN. 1944 - JAN. 1946

FILE CLOSED 12 JANUARY 1946

HEADQUARTERS ALLIED COMMISSION
APO 374
LEGAL SUB-COMMISSION

ME/ra.
12 January 1946.

AC/4121/L.

SUBJECT : Claim by Gr. Off. Mario CAMPANA.

TO : S.E. Il Primo Presidente della Corte di
Cassazione.

ROMA

A copy of your letter of 9th January regarding the payment of compensation to Gr. Off. Mario CAMPANA has been forwarded to the office of the American Claims Service. Upon receipt of a reply this Sub-Commission will advise you as to the decision that has been reached in respect of the claim.

MURRAY THOMAS,
Italian Branch,
for Chief Legal Advisor.

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4121/L.

MT/rn.
12 January 1946.

SUBJECT : Claim by Gr. Off. Ezio CAMPANA,
Chief Registrar of the Court of Cassation.

ROMA

TO : Claims Service, USA
Rep. Off. VI
21 Largo dei Lombardi.

ROMA

I enclose herewith copy of a letter from the First President of the Court of Cassation asking that compensation may be paid to Gr. Off. Ezio CAMPANA, Chief Registrar of the Court of Cassation, in Rome, in respect of injuries caused to him in September, 1944, by a lorry of the Allied Forces. Would you please inform this Sub-Commission if a decision has been reached as to the payment of compensation in order that a reply may be sent to the First President.

MICHAEL THOMAS,
Italian Branch,
for Chief Legal Advisor.

23 24 25



Roma, 11 9 gennaio 1945

CORTE SUPREMA DI CASSAZIONE

IL PRIMO PRESIDENTE

ALLA SOTTOCOMMISSIONE LEGALE
ALLEATAR O M A

N. 24.

Innanzi all'Ufficio Reclami (Claims Service) U.S.A. Rep.Uff.VI al Largo dei Lombardi n. 21, pende domanda per liquidazione di danni in seguito alle gravi conseguenze prodotte dal trauma subito dal Gr.Uff.Ezio CAMPANA, Cancelliere Capo della Corte Suprema di Cassazione il 29 settembre 1944, investito da una camionetta alleata. Egli, infatti, colpito alla testa ed in più parti del corpo rimase gravemente ferito e contuso, e, per tanto fu ricoverato d'urgenza all'Ospedale di S.Spirito. Appena ritenuto fuori pericolo fu curato in casa, ma dopo qualche mese subì una embolia con una grave forma di afasia, che gli ha impedito e gli impedisce tuttora di riprendere regolare servizio.

Si richiama sull'oggetto l'attenzione di 23

codesta On. Sottocommissione, con preghiera di sollecitare dall'Ufficio competente il più benevolo esame della domanda stessa, attese le particolarissime condizioni di esso CAMPANA, bisognevole tuttora di lunghe e costose cure. La ritardata guarigione giustifica anche il perchè egli, con notevole ritardo, si sia rivolto al predetto Ufficio reclami, per la tutela dei suoi diritti.

Il CAMPANA, funzionario attivissimo, all'apice della carriera delle Cancellerie, ove era pervenuto per i suoi spiccati meriti, fino al giorno dell'incidente aveva dato le più belle prove della sua vivissima intelligenza, della sua eccellente capacità, della sua multiforme operosità. E' a ritenere che, anche guarito, la sua capacità lavorativa ne resterà fortemente minorata.

Sarei molto grato altresì a codesta On. Sottocommissione se volesse compiacersi informarmi, a suo tempo, dell'esito della domanda predetta e ringrazio.

Con osservanza

Red.
10 Jan 46.

G. Pagano

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

/mda

AC/121/7.

7 December 1945.

SUBJECT : Claim.

TO : Comm. Aroldo MOECATELLI
Consigliere Delegato della S.A.F.A.R.
Via Eduardo Bassini, 15 - MILANO

1. Your firm's claim has been presented to this Sub-Commission by the Studio VASSALLI, with all relevant documents. The matter has been taken up with Finance Sub-Commission whose opinion has been communicated to Prof. CHIOMENTI.

2. As soon as a definite reply will have been received as to the position taken up by the Allies in this connection this Sub-Commission will communicate again with Studio VASSALLI. In order not to complicate matters it would be appreciated if you would confine your legal representation to one firm.

3. Prof. CHIOMENTI is returning to ROME on 17 December when your claim will be further discussed with the Ministry of the Treasury and other competent authorities.

G.I.G. HANNAFORD
Lt.Col.,
Deputy Chief Legal Advisor

22

4121 ✓

12A

SUBJECT: Claim Against Canadian Forces.Ref: CC3/90(69)/3831/CAN.HQ
Allied Commission
Legal Sub-Commission.

10A

1. Reference your C/4121/L dated 13 Nov 45 addressed to 41 Claims and Hirings (Bv) and forwarded to this office.

2. An identical claim was received in this office from Mr. Giancarlo CARDI some time ago and was forwarded to the Canadian Military HQ in London from whom confirmation has been received that the matter was being investigated.

90 Claims and Hirings (Bv)
29.11.45
1/12.

LEG. D. & D. CL. DIVISION

CLO
DCLO
Chief Counsel
CJO
Italian Section
CL RKS
6 DEC 1945

[Signature]
C. Davez,
Major RA,
90 HIRINGS.

21

1044

RECEIVED from Legal Sub-Commission, HQ AC, letter AC/4121/L
dated 13 November 1945 together with claim referred to therein.

70
4121

G. J. ... MAJOR. *11A*
CLAIMS OFFR. 41 CLAIMS & HIRINGS.

..... 15 November 1945

TO : LEGAL SUB-COMMISSION, HQ ALLIED COMMISSION. C.W.F.

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

10A
eap

AC/4121/L

13 November 1945

SUBJECT : Claim against Canadian Forces

TO : 41 Claims and Hiring (Br), C.M.F.

1. Herewith enclosed for action as necessary, claim made by Mr Giancarlo GARDI of Bologna for recovery of jewels alleged to have been taken by Canadian soldiers or for compensation therefor.

2. Please acknowledge receipt.

By command of Rear Admiral STONE :

G. G. HANNAFORD,
Lt Col.,
O i/o Italian Branch.
for Chief Legal Advisor.

Incl: Claim.

9A

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4121/L.

JL/lrb.
24 May 1945.

SUBJECT : Mancino Antonietta's Claim.

TO : U. S. Claim Service, Regional Office III,
APO 512, U. S. Army.

1. Reference your letter C-771 of 17 May 1945.
2. It is regretted that it is impossible to give any information in re Menadeo Leo.
3. Since restoration of territory to the Italian Government all regional records of cases have been forwarded to this HQ. It is hoped to have such records examined and if such examination reveals a record in re Menadeo Leo, this office will notify you of same.

J. M. L.
W. E. BEHRENS,
Colonel,
Deputy Chief Legal Officer.

4/21
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Legal 5/10
SA

UNITED STATES CLAIMS SERVICE
REGIONAL OFFICE III
APO 512 U.S. ARMY

17 May, 1945

Ref: C-771

SUBJECT: Claim by Mancino, Antonietta,
widow of Caterino, Giuseppe
TO: HQ, Allied Commission, Rome, Italy

1. A claim against the U.S. Government has been filed with this office by Mancini, Antonietta, Via Italo Balbo #84, S. Martino in Pensilis (Campobasso Prov.), based on the following allegations:

a) On 4 Jan. 1945 about noon, after having left the camp of the 5th Squadron of the 52nd. Fighter Group, Caterino Giuseppe was killed by a bullet fired by a sergeant of the camp. At the time, Caterino was walking in the company of his brother-in-law, Menadeo, Leo.

On 3 Feb. 45, Menadeo Leo was taken to Foggia to stand trial in the Allied Courts on a charge not known by this office. Menadeo has stated that since he does not understand English, he was not able to give any information as to the decision of the Court.

2. It is believed that your Commission may have some record of this matter.

3. In order to process this claim, it is requested that you furnish this office with all possible information regarding the incident and, if possible a record of the trial referred to above.

LEGAL SUBCOMMISSION

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A.H. Manus.

A.H. MANUS

Capt JAGD

Claims Officer in Charge

17.3

24 MAY 1945

file

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HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AG/4121/L.

31 March 1946. /lrh.

SUBJECT : DI CIANO Linda

TO : il Sindaco, Municipio di Lanciano,
Provincia di Chieti.

In reply to your letter No. 3084 of 22 March 1946 I regret to have to inform you that DI CIANO Linda has no address. The soldiers of the Allied Forces are immune from proceedings in the Italian Courts; and the Allied Forces only entertain claims for damage to civilians when the damage was done in the course of duty- a state of affairs which cannot be said to exist in the present case.

lc

W. E. BEHRENS,
Colonel,
Deputy Chief Legal Adviser.

18



MUNICIPIO DI LANCIANO

PROVINCIA DI CHIETI

N. 3084 di Protocollo

Lanciano, 22 Marzo 1945

Risposta al foglio N. Div.

del

OGGETTO

On.le A. C.
Legal Affairs Sub-Commission
Via Vittorio VenetoR C M A

La nostra amministrata
DI CIANO LINDA di Nicola, di anni 14, della Contrada
Santa Maria dei Mesi di Lanciano, violenzata il 12
dicembre 1943 da due militari indiani, in casa del
nonno materno Di Campi Pietro, nella contrada San-
ta Maria dei Mesi di Lanciano, pur essendosi svolto
il processo in Lanciano nel febbraio 1944, non ha
avuto il risarcimento del danno patito.

Chiede a noi cosa deve fare per ottenere il
riconoscimento dei suoi diritti.

Preghiamo V.S. volerci indicare quale sia la
strada che la povera Di Ciano deve seguire, giacchè
finora non è riuscita ad ottenere giustizia.

Si ringrazia e si ossequia.

IL SINDACO

file

HEADQUARTERS A LIND COMMISSION
APO 394
LEGAL SUB-COMMISSION

5A

AC/4121/L.

/r.
12 Dec. 1944.

SUBJECT : Personal injuries and property damages.

TO : Regional Commissioner (attn. R.L.O.),
Toscana Region.

1. Reference your XVIII/19/7000/849 of 5 Dec. 44
being 1st Ind. to letter of R.L.O. Livorno Province reference
B06/B/9 of the 1 Dec. 44.

2. Claims for and reports as to Italian civilians
killed or injured or damage to property by Allied Military
vehicles are handled by the local offices of Claims and
Hirings and the U.S. Claims Service. They are not the concern
of Allied Commission or A.M.S. officers.

By command of Comodore STONE:

.14

MARC J. GROSSMAN,
Lt. Colonel,
Chief Counsel,
for Chief Legal Advisor.

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785016

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PROVINCIAL LEGAL OFFICER
LIVORNO PROVINCE
ALLIED MILITARY GOVERNMENT

✓
4121

I December 44

P.12 2061 B/9

SUBJECT : Personal injuries and Property damages.

TO : R.L.O. Toscana Region .

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1. We have on hand at this time about 100 reports for personal injuries and property damages sustained by civilians, caused by military motor-vehicles, mines, etc.

2. Advice is desired whether these reports should be forwarded, although no actual claims for damages are made. If so, we should be furnished with the name and address of the agencies concerned.

Robert M. Woodward
ROBERT M. WOODWARD
Maj. AUS. PLO.
Livorno Province.

1st Ind.

RECEIVED
5 DEC 1944

5 December 1944

13

2. Advice is desired for damages are made. If forwarded, although no actual claims for damages are made, if we should be furnished with the name and address of the agencies concerned.

Robert M. Woodward

ROBERT M. WOODWARD
Maj. AUS. FLO.
Livorno Province.

1st Ind.

HEADQUARTERS

5 December 1944

RVIII/19/7000/849

Regional Legal Officer, Toscana Region.

TO: Chief Legal Advisor, Headquarters, A.C. ✓

1. The question in the basic communication has been asked by others: can we be advised thereon either from your office, or from the agency concerned, as to the procedure to be followed, so that all provinces may be uniformly advised?



John K. Weber
JOHN K. WEBER
Colonel, Infantry,
Regional Legal Officer.
Lowell C. Hargis

10 DEC 1944

RVIII/19/7000/849

4121
R-E-S-T-R-I-C-T-E-D

ROME ALLIED AREA COMMAND
APO #794, US Army

AG 230

IEC/gfb
21 August 1944

Subject: Workmen's Compensation in Italian Territory.

To : See Distribution.

1. In the event of a civilian employed locally by the Allied Forces in Italy, Sicily and Sardinia, sustaining death, injury or illness arising out of and in the course of such employment, the O. C. employing Unit will:

- a. Cease paying his salary or wages as from the date he stops work.
- b. Give him, or his dependants, a certificate of injury in the forms set out.
- c. Advise him, or his dependants, to apply to the local Office of the Istituto per l'Assicurazione Contro gli Infortuni sul Lavoro, for such medical attention and or compensation as he or his dependants are entitled to receive. The address of the local office of the Istituto and of the doctors employed by them can be ascertained from the Mayor (Podesta). In Rome injured persons should, if possible be sent to Ospedaleiro dell'Istituto Nazionale Infortuni - No. 9 via Monte della Gioie - where not practicable send to any civilian hospital.

2. No compensation or medical attention (other than first-aid treatment) should be given, as the above Istituto is organized to deal with them. It has an office in all towns of sufficient importance and will arrange to have the injured person collected by ambulance on being so requested.

3. The certificate of injury referred to in par. 1 above will be in the following form. It will be made out in quadruplicate and signed by the C.O. of the employing unit. The first copy, on which neither his rank nor his unit will be shown, will be given to the injured person or his dependants, to be handed to the Istituto.

Office of the Istituto per l'Assicurazione Contro gli Infortuni sul Lavoro, for such medical attention and or compensation as he or his dependants are entitled to receive. The address of the local office of the Istituto and of the doctors employed by them can be ascertained from the Mayor (Podesta). In Rome injured persons should, if possible be sent to Ospedaleiro dell'Istituto Nazionale Infortuni - No. 9 via Monte della Gioie - where not practicable send to any civilian hospital.

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The second copy, on which the rank, unit and its location will be added will be sent to the Claims Commission, CMF, for British Units and U.S. Claims Service, Region 6, APO 794 for US Units.

The third copy, similarly completed, will be sent to D.A.D. Labor (Civil) at Area or Formation HQ for British Units, and to Labor Supply Office, Rome Region, RAAC APO 794, for US Forces. The

The fourth copy will be kept for unit records.

By command of Brigadier General BAKER:

J. E. Cheek
J. E. CHEEK
Capt AGD
Adjutant General

AGC Dist
EX OFFER (A)
EX OFFER (B)
ADM SEC
ECOM SEC
LAW & S/C
LEGAL S/C
CA. RV.
H.R. COMOT
ADJ.

1 - Incl:
Certificate of Injury

DISTRIBUTION:
"R"

- 1 -

R-E-S-T-R-I-C-T-E-D

CERTIFICATO D'INFORTUNIO CERTIFICATE OF INJURY

1. I certify that Signor _____
lo certifico che il Signor _____
- of _____ born on _____
da _____ nato il _____
(address) (data)
(indirizzo) (data)
- the son of _____ and of _____
figlio di _____ e di _____
(father's name) (mother's name)
(nome del padre) (nome della madre)
- was killed/incapacitated at _____ hours on _____
è morto/ferito alle ore _____ il giorno _____
(date) (data)
- at _____
a _____
(exact location of the accident)
(esatta località dell'infortunio)
- as _____
qualità di _____
(exact nature of employment)
(esatta categoria e mestiere)

in an accident arising out of and in the course of his employment with the Allied Forces.
l'infortunio è avvenuto mentre lavorava alle dipendenze delle Forze Militari Alleate.

2. The accident occurred in the following circumstances:
L'infortunio è avvenuto nelle seguenti circostanze:

(Give short particulars and state whether the accident was attributable to any willful or negligent act of the employee).
(Fare dettagliate e brevi descrizioni circa l'infortunio precisando se è stato causato per negligenza dell'operaio).

3. His daily earnings for each of the fifteen days immediately prior to the accident were as follows:
Paga giornaliera per gli ultimi quindici giorni precedenti l'infortunio:

Day Giorno	Date Data	Gross Earnings (including overtime) Totale paga (compreso straordinario)	Day Giorno	Date Data	Gross Earnings (including overtime) Totale paga (compreso straordinario)
1			11		
2			12		
3			13		
4			14		
			15		

in an accident arising out of and in the course of his employment.
l'infortunio è avvenuto mentre lavorava alle dipendenze delle Forze Militari Alleate.

as _____
qualità di _____
(exact nature of employment)
(esatte categoria e mestiere)

2. The accident occurred in the following circumstances:
L'infortunio è avvenuto nelle seguenti circostanze:
- (Give short particulars and state whether the accident was attributable to any willful or negligent act of the employee.)
(Fare dettagliate e brevi descrizioni circa l'infortunio precisando se è stato causato per negligenza dell'operaio.)

3. His daily earnings for each of the fifteen days immediately prior to the accident were as follows:
Paga giornaliera per gli ultimi quindici giorni precedenti l'infortunio:

Day Giorno	Date Data	Gross Earnings (Including overtime) Totale paga (compreso straordinario)	Day Giorno	Date Data	Gross Earnings (Including overtime) Totale paga (compreso straordinario)	Day Giorno	Date Data	Gross Earnings (Including overtime) Totale paga (compreso straordinario)
1			6			11		
2			7			12		
3			8			13		
4			9			14		
5			10			15		

Signature of the O. C. Unit
Firma del Comandante l'Unità

Name in block letters
Nome in stampatello

Date _____ Personal Number _____
Data _____ N. di matricola _____

4. The Officers of the Institute have been instructed that should they require any further information they should communicate with the CIM Joint Claims Commission. R. A. A. C. should do likewise in case of any difficulty.
Gli Ufficiali dell'Istituto sono a conoscenza che se hanno bisogno di ulteriori informazioni o assistenza devono comunicare con Joint Claims Commission. Le Unità R. A. A. C. devono fare lo stesso in difficoltà.

RESTRICTED

HEADQUARTERS
NORTH AFRICAN THEATER OF OPERATIONS
UNITED STATES ARMY
APO 534



CIRCULAR)

NUMBER 74)

ACCIDENTS AND CLAIMS

Investigation and Report of Accidents I
Injuries to or Death of Civilian Employees of the United States II
United States Claims Service III

Section II, AFHQ Circular Number 12, 1943, is being rescinded. NATONSA Circulars Number 100; Number 140; Section II, Number 165; and Number 237, all 1943, and Number 19, 1944, are rescinded and the following substituted therefor:

I -- INVESTIGATION AND REPORT OF ACCIDENTS

1. Scope of Circular. a. The provisions of this circular will be controlling with respect to the investigation of all accidents or incidents occurring within this theater and the processing thereof, any provisions in AR 25-20 or AR 25-90 to the contrary notwithstanding.

b. The reports of investigation required hereby will provide adequate basis for all official action properly required by the circumstances, including approval or disapproval of any resulting claim in favor of or against the Government, determination of any line-of-duty question involved, accomplishment of survey of losses or damages to government property, and initiation of appropriate disciplinary measures.

2. Investigations Required. a. An investigation of accidents or incidents will be made where:

- (1) A claim is made, or
- (2) Government property is damaged, lost or destroyed in cases where survey is required (see NATONSA Circular Number 57, 1944, or
- (3) Private property is damaged, lost or destroyed, or
- (4) Injury or death results to any civilian, other than employee of the Government acting within the scope of his employment and covered by the United States Employees Compensation Act, or
- (5) Directed by competent authority, or
- (6) Death or injury results to military personnel when an investigation is required under AR 345-415 and AR 600-550, or
- (7) Government property is lost, damaged or destroyed or injury or death results to military personnel under circumstances which indicate the existence of a claim in excess of \$25 in favor of the Government under AR 25-220.

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R E S T R I C T E D

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Hq Natoua

b. Such investigations will be made by the personnel and in the manner hereinafter provided.

3. Responsibility for Investigations - The immediate responsibility for the investigation of an accident or incident resulting in personal injury, death or property damage rests upon the commanding officer of the detached company, battalion, regiment, post, camp or station, or higher echelon directly concerned with such accident or incident, provided that where two or more such units are concerned, the senior of the commanding officers involved will decide which will have immediate responsibility for the investigation to be made in accordance with the provisions of paragraph 6 of this circular.

4. Preliminary Report of Accident. a. In accidents or incidents involving motor vehicles, Standard Form No. 26 or 26A will be fully completed at the scene of the accident by the driver of the vehicle involved.

b. In accidents or incidents other than those mentioned in the preceding paragraph, the military personnel involved will immediately prepare and submit a report which will contain a brief account of the facts and circumstances surrounding the accident or incident and the names and addresses of all witnesses.

c. Reports of preliminary investigation will be submitted to the commanding officer referred to in paragraph 3, above, who will refer said preliminary report to his investigating officer hereinafter referred to in paragraph 5.

d. When the accident or incident occurs at some point distant from the command of the person involved, he will submit the form and reports referred to in subparagraphs a and b, above, to the nearest traffic control point or unit in the vicinity. The commanding officer of such control point or unit to which such reports are submitted will transmit the same to the commanding officer of the nearest base section who, upon receipt of such reports, will refer them to his investigating officer for the action required by paragraph 6, below.

5. Appointment of Investigating Officers. a. The commanding officer of each army, corps, division, base section, post, camp, station, regiment, battalion, detached company or similar unit will designate in orders an officer of his command as investigating officer for the purpose of conducting the investigation and performing the duties prescribed in paragraph 6, below. Wherever necessary, in the discretion of the commanding officer, additional investigating officers may be appointed.

b. The commanding officer will designate such officer in orders as the board of one officer in any case within the provisions of Article of War 105, and will likewise constitute the investigating officer as the board of officers or surveying officer required by Army Regulations for the investigation of any accident involving death, personal injury, or property loss or damage.

6. Duties of Investigating Officer. a. It shall be the duty of the investigating officer to investigate each accident or incident of a character mentioned in paragraph 2, above. His investigation will cover all phases of the accident or incident and its possible future bearing on the interests of

R E S T R I C T E D

Dir # 74
Hq Matousa

the service, including possible claims for or against the Government, the line-of-duty status of injured service personnel, and the question whether the circumstances properly call for disciplinary action; but this investigation will not take the place of any general investigation of charges required under Article of War 70.

b. No assessment of the monetary value of any damage sustained by any civilian will be made and no statements as to, or offers of, payment in settlement of claims will be made nor will any discussion be entered into with any claimant as to the sum which such claimant would be willing to accept in settlement of his claim, except in cases where action under Article of War 105 is resorted to for settlement of a claim after consultation with the United States Claims Service as provided in subparagraph c of paragraph 7, below.

c. All investigations of the investigating officer shall be conducted in the manner and be of the scope and character provided by applicable provisions of paragraph 8, AR 25-20 and the regulations pertinent to the particular accident or incident being investigated (see paragraph 9, AR 25-20).

d. The reports of investigation of investigating officers will normally be made in triplicate but such additional copies will be prepared as may be required for any and all purposes for which such report may be used, including particularly those mentioned in subparagraph a, above.

7. Disposition of Reports of Investigation and Claims. a. (1) The investigating officer, upon the completion of his investigation, will submit his original report and the copies thereof to the commanding officer by whom he was appointed.

(2) The report of investigation will take the place of WD Form No. 39 referred to in AR 850-15.

b. Upon receipt of such report by the commanding officer, he will process the same in the following manner:

(1) In the event that such report discloses damage to, or loss or destruction of, property belonging to, or personal injury or death of, persons other than employees of the United States Government or members of the United States Armed Forces, the commanding officer will forward copies of the report and all exhibits thereto, without delay, direct to the nearest office of the United States Claims Service.

(a) In the case of incidents occurring in French Africa and Corsica, two copies of the report and all exhibits thereto will be so forwarded.

(b) In the case of incidents arising in Italian territory, one copy of the report and all exhibits thereto will be so forwarded.

(2) The following is a list of the offices operated by the United States Claims Service in French Africa and Corsica:

R E S T R I C T E D

Cir # 74
Hq Natousa

<u>CITY</u>	<u>ADDRESS</u>	<u>TELEPHONE</u>
ALGIERS, Algeria	16 Blvd. Baudin	337.53 - 336.60 Farmer 63-129-130
CONSTANTINE, Algeria	8 Blvd. Mercier	Constantine 3254
ORAN, Algeria	11 Blvd. Gallieni	Oran 20403
MOSTAGANEM, Algeria	6 Rue Thiraud	Mountain 133
TUNIS, Tunisia	Hotel Claridge, Ave. Jules Ferry	Tunis 7297-7298
FERRYVILLE, Tunisia	Place Amiral Gueprotle	Ferryville 25
CASABLANCA, Morocco	25 Rue Gallieni	Beacon 106
AJACCIO, Corsica	2 Cour Napoleon	Miller 17
BASTIA, Corsica	24 Blvd. Paoli	Grassroot 43

(3) In the case of incidents arising in Italian Territory, the report and accompanying exhibits should be forwarded as follows:

- (a) If the incident occurred in Sardinia, to the United States Claims Service, Region V, APO 650.
- (b) If the incident occurred in Sicily, to the United States Claims Service, Region IV, APO 550.
- (c) If the incident occurred on the Italian mainland in the provinces of Bari, Matera, Taranto, Brindisi, Lecce, Cosenza, Catanzaro or Reggio Calabria, to the United States Claims Service, Region III, APO 540.
- (d) If the incident occurred on the Italian mainland in the provinces of Comorbasso, Foggia or Potenza, to the United States Claims Service, Region II, APO 650.
- (e) If the incident occurred on the Italian mainland in the provinces of Naples, Littorio, Forcinone, Benevento, Avellino or Salerno, to the United States Claims Service, Region I, APO 782.

(4) In case of doubt, reports of incidents arising in French Africa and Corsica may be forwarded to the Deputy Chief Claims Officer, United States Claims Service, APO 534, and reports of incidents arising in Italian territory to the Deputy Chief Claims Officer, United States Claims Service, APO 782.

(5) In the event a foreign inhabitant desires to file with the investigating officer a claim based upon alleged personal

R E S T R I C T E DCir # 74
NATOUSA

injury or property damage, the investigating officer may accept the same, provided it is in writing, setting forth identity of claimant, address and substance of the claim, and forward such claim with his report as provided above.

c. In the event that survey (NATOUSA Circular Number 57, 1944), line-of-duty status (AR 345-415, AR 600-550), Article of War 105 (AR 25-20) or disciplinary action is involved he will retain the original and copies of the report (after complying with subparagraph b when that subparagraph is applicable) and take such disciplinary and administrative action as may be required by the regulations applicable in each of the above instances. Article of War 105 will not be resorted to until the commanding officer has been advised by the United States Claims Service that it has not taken jurisdiction of and adjusted the claim under AR 25-90, or comparable procedure.

d. In the event such report, in addition to its application to any of the instances mentioned in the above subparagraphs b and c discloses loss of or damage to property of military personnel (AR 25-100), he will retain one copy and forward the original and all remaining copies to the officer exercising general court-martial jurisdiction over the command. The latter will refer the report to his staff judge advocate, who will review the said report for legal sufficiency. After any corrective or supplemental action found necessary has been taken, the commanding officer exercising general court-martial jurisdiction over the command will approve or disapprove the report and forward the same, with the review of his staff judge advocate, to The Judge Advocate General, Washington 25, D. C.

e. In the event the investigation, in addition to any of the foregoing, discloses a claim in favor of the Government an original report and copies thereof required by AR 25-220 will be forwarded through channels to the Commanding General, NATOUSA, for appropriate action.

II -- INJURIES TO OR DEATH OF CIVILIAN EMPLOYEES OF THE UNITED STATES

1. Claims arising prior to 25 September 1943 in French North and West Africa and Corsica.

a. The Act of Congress of September 7, 1916, as amended, provides that the United States Employees' Compensation Commission shall pay compensation to employees of the United States at set rates for the disability or death of such an employee resulting from an accidental injury sustained while in the performance of duty. No compensation is payable if the injury or death is caused by the wilful misconduct or intoxication of the employee or by his intention to injure himself or another.

b. The Act provides the following principal benefits:

- (1) Compensation for injury resulting in temporary disability: two-thirds of the employee's wages for disability beyond the first three days. No compensation is payable for the first three days of such disability.
- (2) Compensation for disability partially disabling the employee for the rest of his life: two-thirds of the loss of earning power due to such injury for the period of his disability.

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- (3) Compensation for total and permanent disability: two-thirds of the employee's wages for the period of his disability.
- (4) Death: Varying percentages of the employee's wages are paid to his dependents, and his burial expenses are paid.

c. Lump sum settlements will be made of all claims for death, permanent total and permanent partial disability.

d. Claims for temporary disability will be settled, whenever practicable, by a single payment based on a claim submitted after the employee's return to work or after he has been medically determined able to return to work. In cases of prolonged temporary disability the payment of compensation will be made at six-week intervals.

e. After an initial or emergency treatment by Army physicians at the job site, further medical treatment will be rendered, as heretofore, by the nearest available French hospital. Bills for hospitalization and/or medical care will be presented by the hospital and/or doctor to the Representative of the Compensation Commission who will approve the voucher and present it to the appropriate Army finance officer for payment. Such expenditures will be handled in accordance with existing instructions to Disbursing Officers as published in Section XVI, Finance Circular Letter Number 1, 1944 series.

f. All payments of compensation will be made by the Army finance officers, after prior approval thereof by a representative of the Compensation Commission. Such expenditures will be handled in accordance with existing instructions to Disbursing Officers as published in Section XVI, Finance Circular Letter Number 1, 1944 series.

g. Preliminary reports of injury giving a brief statement of the facts and circumstances surrounding the injury, the names of witnesses and disposition of the injured employee will be made by his immediate superior on the third day following the day on which the injury occurred, if at that time the injured employee has not returned to work because of the injuries sustained, and submitted as follows:

- (1) In all instances affecting employees of ground forces, to the Base Purchasing Agent of the base section wherein the injury occurred.
- (2) In all instances affecting employees of air forces, to the Representative of the United States Employees' Compensation Commission, Judge Advocate Section, Headquarters, NATOUSSA, APO 534, United States Army, who will prepare the forms provided in subparagraph i hereof.

h. Preliminary reports of the death of an employee, giving the data required in subparagraph g, above, will be made immediately by the immediate superior of the deceased employee in the same manner provided in subparagraph g, above.

i. For the time being, upon receipt of preliminary reports of injury or death, the Base Purchasing Agent will complete or cause to be completed in duplicate the following Compensation Commission Forms:

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(1) In case of injury:

Form CA-1 (Employee's Notice of Injury)
Form CA-2 (Employer's Report of Injury)

(2) In case of death:

Form CA-2 (Employer's Report of Injury)
Form CA-3 (Notice of Death)

(3) In case of return or failure of employee to return to work within six weeks:

Form CA-4 (Employee's Claim for Compensation)

j. The forms required in i above, will, when properly completed in duplicate by Base Purchasing Agents, be sent to the Representative of the United States Employees' Compensation Commission, Judge Advocate Section, Headquarters, NATOUA, APO 534, U. S. Army, for appropriate disposition.

k. The Base Purchasing Agent and the immediate superior of air force employees will at all times render assistance to the Representative of the Employees' Compensation Commission to enable him to obtain the information necessary to complete the forms referred to and to complete finally the processing of each case.

l. The Representative of the Employees' Compensation Commission will be responsible for furnishing all necessary forms and special instructions to the Base Purchasing Agents.

m. The Act of Congress of December 2, 1942, provides for the payment of compensation for injuries or death to civilian employees of the United States due to war risk hazards. Under such law compensation is payable for the injury, death, or detention of an employee. A "war risk hazard", as defined in this law, includes the discharge of any missile by the enemy, action of the enemy, the discharge of munitions used in the war effort, the collisions of vessels in convoy, and the operation of vessels or aircraft engaged in war activities.

n. The provisions of this law do not apply to any person whose residence is at or near the place of his employment and who is not living there solely by virtue of the exigencies of his employment, unless his injury or death resulting from injury occurs, or his detention begins, while in the course of his employment.

o. In the case of American employees coming to North Africa to engage in war work, the Act of December 2, 1942, applies regardless of whether the injury is sustained, or the detention begins, while the employee is in the performance of duty. Any cases believed to come under this law should be immediately reported to the Commission's Representative in letter form and further instructions will be given with respect to the handling of the same.

2. Civilians of civilian employees in French North and West Africa and Corsica arriving subsequent to 25 September 1943. Until further notice the reports required by paragraph 1, Section II, above will be submitted direct

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to the Representative of the United States Employees' Compensation Commission, Judge Advocate Section, Headquarters, NATOUSA, APO 534, U. S. Army.

3. Claims of civilian employees in Italian territory. a. In the event of a civilian employed locally by the United States forces in Italy, Sicily, or Sardinia sustaining death, injury or illness arising out of and in the course of such employment, the commanding officer of the employing unit will:

- (1) Cease paying his salary or wages as from the date he stops work.
- (2) Give him, or his dependents, a certificate of injury in the form set out in subparagraph c, below.
- (3) Advise him, or his dependents, to apply to the local office of the Istituto per l'Assicurazione Contro Gli Infortuni sul Lavoro, for such medical attention and/or compensation as he or his dependents are entitled to receive. The address of the local office of the Istituto and of the doctors employed by them can be ascertained from the Major (Podesta).

b. No compensation or medical attention (other than first-aid treatment) should be given, as the above Istituto is organized to deal with them. It has an office in all towns of sufficient importance and will arrange to have the injured person collected by ambulance on being so requested.

c. The certificate of injury referred to in subparagraph a, above will be in the following form. It will be made in quadruplicate and signed by the commanding officer of the employing unit. The first copy, on which neither his rank nor his unit will be shown, will be given to the injured person or his dependents, to be handed to the Istituto. The second copy, on which the rank, unit and its location will be added, will be sent to the appropriate regional office of the United States Claims Service (see paragraph 7b, Section I, this circular). The third copy, similarly completed, will be sent to the headquarters of the base section in which the employing unit is located. The fourth copy will be kept for unit records.

CERTIFICATE OF INJURY

1. I certify that Signor _____
of _____ (address) _____ born on _____ (date) _____
the son of _____ (father's name) _____ and of _____ (mother's name) _____
was killed/incapacitated at _____ hours on _____ (date) _____
at _____ (exact location of the accident) _____
in an accident arising out of and in the course of
his employment with the United States Forces as _____
_____ (exact nature of employment) _____

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2. The accident occurred in the following circumstances:
(Give short particulars and state whether the accident was attributable to any wilful or negligent act of the employee).
3. His daily earnings for each of the fifteen days immediately prior to the accident were as follows:

Day	Date	Gross Earnings (including overtime)	Day	Date	Gross Earnings (including overtime)	Day	Date	Gross Earnings (including overtime)
1			6			11		
2			7			12		
3			8			13		
4			9			14		
5			10			15		

Signature of the Commanding Officer _____

Name in block letters _____

Serial Number _____

Date _____

4. The Offices of the Istituto have been instructed that should they require any further information or assistance, they should communicate with the Joint Claims Committee. Units should communicate with the United States Claims Service, APO 782.

III - UNITED STATES CLAIMS SERVICE

1. Establishment under operational control of Chief Claims Officer

- a. (1) The administration of claims shall, subject to the directions of this headquarters, be under operational and technical control of the Theater Judge Advocate who shall be the Chief Claims Officer.
- (2) The administration of claims in French Africa and Corsica shall, subject to the supervision of the Chief Claims Officer, be under the operational and technical control of a Deputy Chief

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Claims Officer. The administration of claims in Italian territory shall, subject to the supervision of the Chief Claims Officer, be under the operational and technical control of a Deputy Chief Claims Officer.

b. In order that a uniformly descriptive term may be employed which is easily recognized by local inhabitants and at the same time distinguished from like services of other forces, the administration of claims shall be conducted under the name of "United States Claims Service".

c. Personnel assigned or attached to the United States Claims Service are, effective on the date of such assignment or attachment, attached to the headquarters of the base section in which they operate for issuance of all necessary travel orders within the base section as may be requested by the Deputy Chief Claims Officer, rations and messing, suitable billets and office space, and supplies. When travel orders for travel outside the base sections or travel between base sections are necessary, request for such orders will be made to this headquarters.

d. Motor vehicles necessary for the proper conduct of the United States Claims Service will be procured by the Deputy Chief Claims Officer in accordance with existing procedures.

e. Deputy Chief Claims Officers are authorized to requisition from the respective base sections stationery, office supplies, equipment and services necessary to the efficient operation of the claims service in the territorial area of the respective base sections. When branch offices of the United States Claims Service are established in an area outside of any base section, such requisitions may be made upon the nearest United States installation of issue in that area.

2. Functioning in French Africa and Corsica

a. The settlement of claims on account of damage to or loss or destruction of public property, both real and personal, or on account of damage to or loss or destruction of private property, both real or personal, or personal injury or death of inhabitants of French Africa or Corsica, except as provided in paragraph 4 below, when such damage, loss, destruction or injury is caused by Army forces, individual members thereof, or otherwise incident to non-combat activities of such forces, will be considered, determined, adjusted and paid in accordance with the provisions of the Act of Congress approved 2 January 1942, as amended by the Act of Congress approved 22 April 1943, and AR 25-90.

b. The Claims Commission heretofore appointed by the Secretary of War to adjust claims under the above acts of Congress and Army Regulations will continue to function under this directive as a part of the United States Claims Service.

3. Functioning in Italian territory.

a. Claims will not be considered or paid under the Act of Congress approved 2 January 1942, as amended by the Act of 22 April 1943, but shall be investigated, processed, approved and delivered to the Italian authorities as hereinafter provided.

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b. The United States Claims Service in Italian territory will, except as provided in paragraph 4 below, investigate, consider, determine and adjust claims of the same kind and nature as would be considered, determined, adjusted and paid under the Act of 2 January 1942, as amended, if such Act were applied in Italian territory.

c. The United States Claims Service in Italian territory will comprise a Deputy Chief Claims Officer, a legal review board of not to exceed three officers who shall be detailed for duty in the Office of the Deputy Chief Claims Officer; and such field investigators, clerks, interpreters and other personnel as may be duly assigned thereto or employed for duty with said service.

d. Copies of reports of investigations made pursuant to this circular by unit investigating officers will be forwarded to the most convenient office of the United States Claims Service by the units concerned. Investigating officers assigned to the claims service, upon completion of their reports of investigation, will transmit them to the Office of the Deputy Chief Claims Officer. No claim will be approved by the Deputy Chief Claims Officer until such claim has been examined by the legal review board in his office.

e. The Deputy Chief Claims Officer in charge of the United States Claims Service in Italian territory is authorized to approve for payment any claim in an amount not in excess of \$500.00.

f. The Chief Claims Officer, United States Claims Service, is authorized to approve for payment any claim in an amount not in excess of \$2,500.00.

g. Any claim in an amount in excess of \$2,500.00 must be approved by the Theater Commander.

h. When any claim is properly approved by the Deputy Chief Claims Officer, he shall pass the claim to the representative of the Italian Government designated by the Minister of Finance, who shall acknowledge receipt of the approved claim. By arrangement with the Minister of Finance, the accounting office of the Italian Treasury will notify the claimant of the award and will furnish the claimant an order on the Treasury in the amount of the award. Upon presentation of this order to a Treasury cashier, the claimant will receive the amount of the award upon condition that he sign a release by which he releases the United States and its officers and representatives from any further claim growing out of the incident. The Italian paying officer will transmit this release to the office of the Deputy Chief Claims Officer for file with the retained papers.

i. Any claim approved by the Chief Claims Officer or the Theater Commander will be returned to the Deputy Chief Claims Officer to be passed to the Italian authorities as set forth above.

4. Procurement Matters. Due to the terms of the armistice and to arrangements made with the Italian authorities and French authorities, claims on account of the authorized use of real estate, claims on account of damage occasioned by or attributable to such use, claims on account of the authorized use of movable property and claims on account of the authorized procurement of supplies, equipment, facilities and services of all kinds will not be investigated or considered for adjustment by the United States Claims Service. They will be handled as pro-

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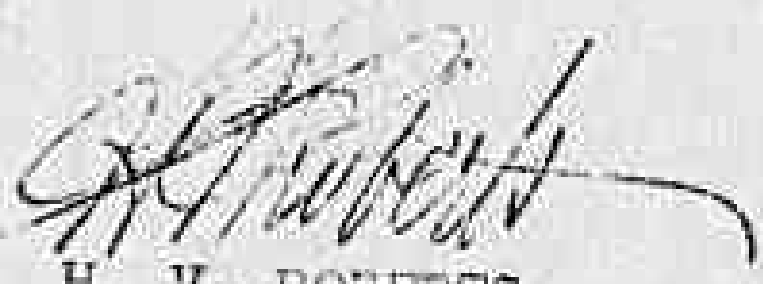
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urement matters by existing procurement agencies in accordance with existing procurement directives. Claims on account of unauthorized use or procurement as mentioned above; on account of trespass or on account of criminal acts committed by United States Forces will be fully investigated by the United States Claims Service. If final investigation reveals that these claims should be handled under reciprocal aid then the United States Claims Service will turn over all papers in connection therewith to the procurement agency for final processing.

5. Submission of Claims. Claims will not be solicited, but a civilian who, either directly or through the police or other local authorities, requests information concerning the submission of a claim should be referred to the nearest officer of the United States Claims Service or informed that he may submit his claim in writing to the commanding officer of any United States Army unit. A commanding officer who receives a claim should transmit it without delay to the nearest officer of the United States Claims Service for further action.

By command of Lieutenant General DEVERS:

OFFICIAL:


H. V. ROBERTS,
Colonel, AGD,
Adjutant General.

DAVID G. BARR,
Major General, GSC,
Chief of Staff.

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R E S T R I C T E D

REAR HEADQUARTERS
ARMED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

1A

AOC/4121/L.

/rlp.
18 April 1944.

SUBJECT : Traffic Accident between Ravello and Analfi on 2nd Feb 44.

TO : Captain Kempe, Claims and Hirings.

The papers which you kindly lent me yesterday are returned herewith.

Ref: 45/40202/26/A

(signed)

J. MORE,
Captain.

Legal Sub-Commission

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

/rlp.
18 April 1944.

ACC/4121/L.

SUBJECT : Traffic Accident between Amalfi and Ravello on 2nd Feb 44.
TO : Lt. Col. Denmore.

1. You asked this sub-commission to ascertain from Captain Kempe, Claims and Hirings in Salerno, particulars regarding this accident and any claim made in relation thereto.

2. The statements submitted to Captain Kempe disclose the particulars as follows:

- a. Horse-cart was travelling down the road from Ravello to Amalfi loaded with poles. The driver's son, Mario Crispolo, was sitting on the back of the cart to balance the weight of the poles (another statement states that he was walking immediately behind the cart).
- b. At a point near Saliscendi the cart, which was travelling on the right hand side of the road, at a narrow point in the road, was overtaken by an Allied lorry towing a trailer. The lorry succeeded in passing the cart, but the trailer struck the axle of the cart causing it to swing around violently. The boy Mario Crispolo was struck by the poles on the cart and was knocked off the road into a garden 20 meters below the level of the road.
- c. The boy died of the injuries received.
- d. The general opinion of those who witnessed the accident is that it was the fault of the driver of the Allied lorry who was not going sufficiently slowly having disregard for the narrowness of the road and the curve at that point.
- e. The lorry which caused the accident is understood to be No. 4978111, Dodge. Driver's name, Private J. Manning, 6298821. The passenger in the lorry or car is understood to have been R. Morris, OS, attached No. 7 Mobile CCS, RAMC, CEF.

3. It is understood from Captain Kempe that so far no claim has been submitted in respect of this accident.

(Signed)

G. R. HUTTON,

Colonel,

Chief Legal Officer.

Capt
Legal Sub-Commission

HEADQUARTERS ALLIED CONTROL COMMISSION
APO 334

To : Labor Sub-Commission A.C.C. Colonel J.T.R. Bain, Chief
From : Captain Robert M. Albright, Labor Representative, Advance HQ.
Subject: MEMORANDUM ON WORKMAN'S COMPENSATION for civilian employees of the Allied Military Forces in Italy.
Date : 31 January 1944

1. This Memorandum has specific reference to Workman's Compensation but the questions raised have a direct bearing on all types of social insurance programs in Italy.

2. The Labor Sub-Commission, through this representative, made a request in November 1943 to the Italian Government to submit for consideration a plan for coverage of civilian employees of the Allied Military Forces for all types of Social Insurance normally provided for similar workers in the United States and Great Britain, as well as in Italy. At the time of this request, no coverage whatever was provided, and the wages paid, while higher than private employment, were not sufficiently high to permit individual insurance payments. The Italian Ministry of Industry, Commerce and Labor submitted such a plan on January 27, 1944, copy of which is attached.

3. In the meantime Circular No. 237 was issued 9 December 1943 by the North African Theater of Operations, U. S. Army (similar release in British General Routine Orders) stating that in event of death, injury, or illness occurring in scope of employment for U. S. forces, the Commanding Officer of the employing unit will (a) cease paying wages; (b) issue certificate of injury and (c) advise worker or his dependents to go to Istituto per l'Assicurazione Contro gli Infortuni sul Lavoro for such attention and/or compensation as he or his dependents may be entitled. No mention is made of contributions or insurance premiums to the Istituto.

4. Upon investigation, it was found that this system was developed by Lt. Col. Macqueston (R) and Mr. Hanson (A) of the Allied Claims Commission with the Italian Ministry of Finance - before the Labor Sub-Commission had representatives on the Italian mainland, and while Lt. General MacFarlane was Chief of the Allied Military Mission at Brindisi.

The reason that the system was developed through the Ministry of Finance, rather than the Ministry of Labor is the legal theory that all civilians working for Allied Military Forces are employees of the

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paid, while higher than private employment. The Italian Ministry of Industry, Commerce and Labor submitted such a plan on January 27, 1944, copy of which is attached.

3. In the meantime Circular No. 237 was issued 9 December 1943 by HQ, North African Theater of Operations, U. S. Army (similar release in British General Routine Orders) stating that in event of death, injury, or illness occurring in scope of employment for U. S. forces, the Commanding Officer of the employing unit will (a) cease paying wages; (b) issue certificate of injury and (c) advise worker or his dependents to go to Istituto per l'assicurazione contro gli infortuni del lavoro for such attention and/or compensation as he or his dependents may be entitled. No mention is made of contributions or insurance premiums to the Istituto.

4. Upon investigation, it was found that this system was developed by Lt. Col. McQueston (B) and Mr. Hanson (A) of the Allied Claims Commission with the Italian Ministry of Finance - before the Labor Sub-Commission had representatives of the Italian Parliament, and while Lt. General MacFarlane was Chief of the Allied Military Mission at Brindisi.

The reason that the system was developed through the Ministry of Finance, rather than the Ministry of Labor is the legal theory that all civilians working for Allied Military Forces are employees of the Italian State - since Italy under terms of the Armistice is required to furnish services to the Allied Forces. Therefore, the Italian State reimburses the Istituto for services to injured workers of Allied Military Authority.

5. Pending discussions with the Minister of Finance, who is expected to arrive during the next week - this interim report is submitted for information and action on the following questions:

- (a) Are Italian civilians working for the Allied Military Forces, employees of the Italian state?
- (b) If so, are they entitled to all Social Insurance benefits which is provided for other employees of the Italian State?
- (c) If not, is the present plan for Infortuni (workman's compensation) coverage legally sound?
- (d) Is the general supervision or "control" of the Istituto and Infortuni system to continue under the British claims and Hiring Officer from AFHQ (Lt. Col. McQueston) or is it to be under the Labor Sub-Commission of the Allied Control Commission?

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6. A supplementary report will be filed as soon as the joint Conference is held with the Ministers of Labor and of Finance.

ROBERT M. ALBRIGHT
Captain, AUS
Labor Sub-Commission

Copy to Legal Sub-Commission

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