

**APPENDIX A**  
Delegations of Authority

ER 27-1-1  
15 Sep 96



**DEPARTMENT OF THE ARMY**  
U.S. Army Corps of Engineers  
WASHINGTON, D.C. 20314-1000

REPLY TO  
ATTENTION OF:

CECC-K

12 May 1995

MEMORANDUM FOR MAJOR SUBORDINATE COMMAND, DISTRICT, LABORATORY, AND  
FOA COMMANDERS

SUBJECT: Delegation of Settlement Authority to Field Counsel

1. Reference: a. AR 27-40  
b. ER 27-1-1  
c. 28 C.F.R. 0.172, Subpart Y
2. The purpose of this memorandum is to delegate to Division (including Operating Division), District, Corps Laboratory, and FOA Counsel my authority to approve settlement of civil litigation involving the Corps of Engineers activities that are being handled by U.S. Attorneys, and are within their settlement authorities under reference 1 c, above. This delegation is to the head or officially "acting" head of the legal office and may not be redelegated. This delegation is subject to the requirement that each subordinate command notify Division or HQUSACE of any case involving nationally or significant precedential issues, and notify Division of any case of regional significance. At that time, I may choose to withdraw the delegation on a case-by-case basis for litigation of a national or precedential nature, and Division Counsel may also withdraw the delegation on a case-by-case basis, as appropriate. In order to assist Divisions and HQUSACE in carrying out their quality assurance and policy responsibilities, the subordinate commands are responsible for entering cases in CMIS IL or its successor, and for fully updating entries in a timely manner during the course of the litigation including a brief after-action report upon its conclusion.
3. Class Action Personnel cases involve more active participation of TJAG than other types of litigation. Accordingly, all such cases are defined as "nationally significant". Civil Litigation arising out of Corps military activities are also by definition "nationally significant". Primary management of and settlement authority for these types of cases will reside in HQUSACE.
4. Simply put, where Districts have management responsibility for litigation, they also have concurrent settlement authority. Where the Division or HQUSACE has management responsibility, settlement authority is at that level. Unless *specifically* delegated, management and settlement authority for litigation handled by Main DOJ in Washington rests in HQUSACE. Unless *specifically withdrawn*, management and settlement authority for litigation handled by U.S. Attorneys, and not involving nationality significant or precedential issues, resides with field counsel.
5. This delegation is effective immediately.

LESTER EDELMAN  
Chief Counsel

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15 Sep 96



REPLY TO  
ATTENTION OF:  
CECC-K (27-1)

DEPARTMENT OF THE ARMY  
U.S. Army Corps of Engineers  
WASHINGTON, D. C. 20314-1000

12 MAY 1996

MEMORANDUM FOR DIVISION COUNSELS, DISTRICT COUNSELS, AND  
COUNSELS, SEPARATE FOA'S

SUBJECT: Changes in Tort Claims Procedures to Improve Efficiency

1. The Chief Counsel's Task Force on the Delivery of Legal Services has proposed several changes to claims procedures to enhance the timely preparation and adjudication of maritime and tort claims. Specifically, the Task Force has recommended increasing the delegated authority to settle claims brought under the Federal Tort Claims Act from \$15,000 to \$25,000, increasing maritime claims settlement authority from \$5,000 to \$100,000, and allowing Districts, operating Divisions and FOA's to transmit claims files directly to the U.S. Army Claims Semite (USARCS), eliminating reviews by both Division and CECC-K.
- 2 I have reviewed the suggestions and believe that they represent improvements over the current reamer in which administrative claims are handled. Accordingly, I have decided to implement the changes which are presently within my authority, and will request the necessary delegations of authority from the Judge Advocate General (TJAG) to increase the monetary levels at which Corps claims offices may settle tort and maritime claims
3. Effective immediately, ER 27-1-1 is modified to delete the requirement that claims files be forwarded through Division and CECC-K to the Claims Service. Claims officers reports now shall be sent directly to the Army Claims Semite with recommendations regarding approval or denial. In order to carry out their command and control responsibilities, Divisions are authorized, at their discretion to require that copies of claim files be sent concurrently to Divisions as well as to USARCS. Claims which involve nationally significant or precedential issues shall be brought to the attention of CECC-K by sending the original claim report through CECC-K for review and transmittal to the Claims Serice. CECC-K will furnish guidance on determining which claims fit within these criteria concurrently with the publication of ER 27-1-1 in final form.
4. Divisions may designate a District to investigate and process claims arising **at** the Division level, or the Division may retain control of this function, at its option. Mission and functions statements of both the Divisions, Districts and claims processing FOA's should be modified to reflect this revision of functions
5. The new draft of AR 27-20 increascs settlement authority for tort claims from \$15,000 to \$25,000 The regulation should be published In final form witin the next two months I have requested TJAG to incrase the Corps' delegated authority for both tort and maritime claims to

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CECC-K

SUBJECT: Changes in Tort Claims Procedures to Improve Efficiency

\$100,000. If approved, a formal delegation of authority will be sent to you to implement this change.

6. Questions regarding the status of our request to TJAG, or other procedural or policy issues posed by the changes in claims processing implemented by this memorandum, should be addressed to CECC-K.

FOR THE COMMANDER:

A handwritten signature in cursive script, appearing to read "Lester Edelman".

LESTER EDELMAN  
Chief Counsel

15 Sep 96



REPLY TO  
ATTENTION OF  
CECC-K (27-I)

MEMORANDUM FOR DIVISION COUNSELS, DISTRICT COUNSELS, LAB  
COUNSELS AND SEPARATE FOA COUNSELS

SUBJECT: Delegation of Additional Authority for Maritime and Federal Tort Claims Act  
Claims

1. On 12 May 1995, I forwarded a request to TJAG seeking increased monetary authority to settle and approve tort and admiralty claims. The Legal Semites Task Force had previously recommended that authority to settle maritime claims up to \$100,000 be obtained, and had also requested an increase in Federal Tort Claims Act claims settlement authority from \$15,000 to \$25,000.
2. On 17 July, TJAG delegated authority to me, with power of redelegation, to settle maritime claims in amounts not exceeding \$100,000. This delegation applies to both affirmative claims and claims filed against the United States (including the authority to deny such claims), and is effective immediately. Accordingly, I hereby redelegate this maritime claims authority in full to the Division Counsels, with authority to redelegate to their District Counsels.
3. TJAG did not approve my request to increase settlement authority for claims filed under the Federal Tort Claims Act from \$15,000 to \$100,000. They did, however, agree to delegate the same authority as is delegated to area claims offices, which will be increased to \$25,000 on 1 September 1995, the date that the revised AR 27-20 takes effect. This increase will apply to Operating Divisions, Districts, Laboratories, and claims offices of separate FOA's.
4. In addition there is flexibility on a case by case basis for the Claims Service to grant increased settlement authority to Corps claims offices. If you have an appropriate case I suggest that you make the request for such increased authority directly to the Claims Service, with an information copy furnished to CECC-K and to MSC Counsel as appropriate.
5. ER 27-1-1 is currently being revised to reflect the changes in AR 27-20, AR 27-40, and the procedural changes previously made by my Memorandum of 12 May 1995. I anticipate that the new ER will be issued on or about 30 September 1995. Questions regarding the increases in delegated authority and other changes incorporated in the new regulations should be addressed to CECC-K.

FOR THE COMMANDER:

A handwritten signature in black ink, which appears to read "Lester Edelman". The signature is fluid and cursive.

LESTER EDELMAN  
Chief Counsel