



DEPARTMENT OF THE NAVY
OFFICE OF THE JUDGE ADVOCATE GENERAL
WASHINGTON, D. C. 20370

IN REPLY REFER TO
JAG:14L:FOI:PA5:pmm
14L Serial/15640

20 MAY 1977

Mr. Harold Weisberg
Route 12
Frederick, Maryland 21701

Re: Privacy Act Appeal

Dear Mr. Weisberg:

This is in response to your letter dated April 27, 1977, received in this Office May 2, 1977, in which you request all records held by the Navy concerning suits brought by you. Your letter is considered a request for an initial determination pursuant to the Privacy Act of 1974 (5 U.S.C. § 552a).

A thorough search of our records indicates that with the exception of one index card, which is being furnished to you, all records concerning your suits held by the Navy were destroyed in October, 1973, along with other records of suits finished filed from 1955-1964. As indicated by the index card, your case was finished filed on February 7, 1962. This destruction of records was in accordance with the Army instruction which has been adopted by the Navy. For your information, we are enclosing the pertinent copy of the Army regulations and the informal concurrence of the Navy.

Sincerely,

W. DEAN PFEIFFER
Captain, JAGC, U.S. Navy
Deputy Assistant Judge
Advocate General (Litigation)

Enclosure

JOB 65A4244

SUITS FROM 1955 to 1964 misc

Destroyed 08 73

WEISBERG, Harold & Lillian (Aircraft Suit) FBP

Loss of chickens caused by noise from aircraft
at Hyattstown, Md., flying at low altitudes
during 1957 - 1958

Judgement for plaintiffs - \$750

Final File

7 JUL 1962

JOB 65A4244

SUITS FROM 1955 to 1964 misc

Destroyed 6/8/73

WEISBERG, Harold & Lillian (Aircraft Suit) FBP

Loss of chickens caused by noise from aircraft
at Hoots town, Md., Fla. at low altitudes
during 1957 - 1958

Judgment for plaintiffs - \$750

1958

31 July 1973

C 1, AR 310-18-1

File No.	Description	Disposition
403-05	Personal property claim files. Case files relating to claims against the Government by members of the Army and the Army National Guard and by civilian employees of the Army and the Department of Defense for damage, loss, or destruction of personal property incident to their service.	★ Destroy 10 years after final action on the case.
→ 403-06	Tort claim files. Case files relating to tort claims against the Army for damage, loss, or destruction of property, and for personal injury or death resulting from negligence or wrongful acts or omission of acts by military personnel and civilian employees.	★ Destroy 10 years after final action on the case.
→ 403-07	Noncombat activity claim files. Case files relating to claims against the Government for death and personal injury, or for damage, loss, or destruction of personal and real property caused by Army and Army National Guard military personnel and civilian employees involved in noncombat activities.	★ Destroy 10 years after final action on the case.
403-08	Nonscope of employment claim files. Case files relating to claims against the Government not cognizable under any other provision of law, and settled under the act of 9 October 1962 (76 Stat. 767), for damage to, or loss of property, or personal injury or death caused by a member of the Army or a civilian employee of the Army, which arose on and after 9 October 1962 incident to the use of a vehicle of the United States at any place, or any other property of the United States on a Government installation.	★ Destroy 10 years after final action on the case.
403-09	Industrial personnel security review claim files. Documents relating to claims against the US Government by industrial personnel for loss of earnings which resulted from unjustified suspension, revocation, or denial of security information access authorization. These files are maintained by the Department of the Army for the Department of Defense.	★ Destroy 10 years after final action on the case.
403-10	Nonappropriated fund claim files. Case files relating to claims against nonappropriated fund activities for damage, loss, or destruction of property and personal injury or death.	★ Destroy 10 years after final action on the case.
403-11	Foreign claim files. Case files relating to claims against the United States by inhabitants of a foreign country or by a foreign government or a political subdivision thereof for damage, loss, or destruction of private property, or for personal injury or death caused by Army military personnel or civilian employees stationed in the country concerned.	★ Destroy 10 years after final action on the case.
403-12	Local foreign claim files. Case files relating to claims arising in foreign countries for death or personnel injury; damage, loss, or destruction of public or personal property; or in connection with provisions of contracts, leases, or other instruments. They are limited to those claims which cannot be settled under provisions of Army regulations and which must, therefore, be settled under local laws, regulations, or agreements.	★ Destroy 10 years after final action on the case.