



OFFICE OF THE NATIONAL COMMANDER
CIVIL AIR PATROL
UNITED STATES AIR FORCE AUXILIARY
MAXWELL AIR FORCE BASE, ALABAMA 36112-6332

5 JANUARY 2009

MEMORANDUM FOR NATIONAL BOARD AND ALL UNIT COMMANDERS

FROM: CAP/CC

SUBJECT: INTERIM CHANGE LETTER - Assessments for Damage to CAP Aircraft

1. This letter implements property management policies approved by the CAP National Executive Committee (NEC). These policies will eventually be centralized into a new property management regulation.
2. This new assessment policy is required in order to improve accountability for CAP property. In fiscal year 2008, CAP spent a significant amount of our operating budget repairing or replacing damaged aircraft. These are funds that would have been better used to carry out our programs and missions. This new policy is intended to reduce those losses by holding our members/units accountable for their actions. The new process also increases oversight by region commanders and the CAP Controller.
3. Policy. Region commanders shall financially assess CAP members and/or units for CAP aircraft damaged or destroyed due to negligence, gross negligence or willful misconduct. The assessment policy criteria and dollar amounts are the same ones that have been in effect for aircraft damage in previous editions of CAPR 60-1 for several years. Assessments will not be made for acts of God or for unforeseen events the member/unit had no control over. Members/units shall be afforded an opportunity to make a statement and present evidence to explain the circumstances. Region commanders will take these statements into account when they make assessments.
 - a. For damage/loss that occurs due to a member/unit's negligence, region commanders will assess the lesser of the cost to repair or \$500. Negligence is the failure to use such care as a reasonably prudent and careful person would use under similar circumstances.
 - b. For damage/loss that occurs due to a member/unit's gross negligence, region commanders will assess the lesser of the cost to repair or \$5,000. Gross negligence is an act or omission of an aggravated character as distinguished from a mere failure to exercise ordinary care. Gross negligence is marked by conduct that presents an unreasonably high degree of risk to others or their property and by a failure to exercise even the slightest care. It is sometimes associated with conscious and willful indifference to others or their property. Intentional violation of CAP and/or federal or local government regulations is gross negligence if the violation contributes to causing the loss or damage.
 - c. For damage/loss that occurs due to a member/unit's willful or intentional misconduct, the National Commander may increase a member/unit's assessment beyond \$5,000 up to the full repair or replacement cost. Willful or intentional misconduct is conduct in which there is a reckless disregard of the probable consequences. Members/units assessed for willful misconduct shall be afforded an opportunity to make a statement and present evidence to mitigate the assessment.

4. Procedures. Region commanders shall make assessment determinations based on information from on-line Forms 79, *Safety Mishap Report of Investigation*, and other documentation and recommendations from the respective wing commander. No assessment determinations are to be included in the on-line Form 79, but it must be spelled out in a separate memorandum. In each case, the wing commander shall submit written assessment recommendations to the region commander containing specific statements regarding culpability and assessment amounts. When needed, region commanders may require further investigation if loss or damage investigation reports are considered incomplete or inadequate to make an assessment determination.

a. In determining whether a member's or unit's actions constitute negligence, gross negligence, or willful/intentional misconduct, commanders will take into consideration all the facts, applicable regulations and any written statement the member or unit commander provides. Assessments shall be made against any CAP member who contributed to causing the loss or damage in proportion to their culpability. For example, if two members were found equally negligent in an incident, each would be responsible for 50% of the assessment. The region commander may allow assessments to be paid in installments, but shall require payment in full within 1 year. Members who are assessed will be flagged in the NHQ CAP database and will not be allowed to renew their membership if their payment is not made in full within 1 year. Proof of payment in full will be kept in the members' personnel records.

b. After review, region commanders shall forward a copy of each assessment to NHQ CAP/LG for internal review, coordination, processing and reporting. National Headquarters will forward a copy of each assessment to the National Controller for review of fairness and consistency. National Headquarters will inform applicable commanders, members and units that will be assessed after the controller's review.

c. Appeals of assessments may be made to the National Commander through the National Controller. The National Controller will advise the National Commander on assessment appeals. Appeals must be filed with the National Controller within 30 days of notification of the imposition of the assessment. The National Commander's decision on a member/unit's assessment is final.

d. Once an assessment decision is finalized, payments shall be forwarded to NHQ CAP/LG at 105 South Hansell, Maxwell AFB AL, 36112. First payments are due within 60 days of the National Headquarters formal assessment notification. Checks will be made payable to "Civil Air Patrol."

e. The National Headquarters Logistics staff will report finalized assessments to CAP-USAF.



AMY S. COURTER
Major General, CAP
National Commander

cc:
CAP/EX/EXM/EXS/FM/GC/LG/XP/MD/DO
CAP-USAF/CC/CV/XO/JA/FM/LG
CAP-USAF Region Commanders
CAP-USAF State Directors
CAP Wing Administrators
Col Skiba; Col Guimond
Col Charles; Col Letteer