

CAP Insurance and Benefits Program

CAP Officer Basic Course

Introduction

CAP members perform vital services to America. Occasionally, members are injured or property is damaged while performing these services. For those occasions when our risk management efforts fail, CAP has important insurance and benefit programs to offset loss of property to CAP, and offset injury to its members.

1. Identify the CAP publications governing CAP insurance and benefits

CAP members enjoy several different types of insurance coverage. These coverages are covered in detail in CAPR 900-5, *The CAP Insurance/Benefits Program*. The coverage changes from time to time, so to make sure you have the latest information, you should download a copy of CAPR 900-5 from the Publications section of the national web page.

2. Explain under what conditions Insurance benefits are available.

National Headquarters maintains liability insurance policies, which provide liability coverage for CAP organizations. Those policies are: (1) general liability insurance (2) vehicle liability insurance and (3) aviation liability insurance. These policies provide liability protection for CAP members while engaged in CAP duties other than Air Force-assigned missions.

Speaking generally, Air Force coverage applies when CAP is engaged in a mission certified by CAP-USAF as Air Force-assigned. CAP coverage applies when CAP is engaged in corporate activities or missions. There are exceptions to coverage, and CAP's risk management coverage, in itself, does not constitute a contractual relationship or guarantee between CAP and its members.

TYPES OF INSURANCE

The following provisions are covered in CAPR 900-5:

Liability insurance protects against claims for negligence, but will not pay for the repair or replacement of member's property damaged or destroyed on CAP activities. Members are encouraged to provide their own property insurance on property.

General Liability Insurance. This policy provides liability protection for CAP and CAP members while performing official CAP activities, including the ground activities on "Corporate Missions" (a.k.a. non-Air Force missions). This means you are covered at unit meetings, encampments, and general CAP activities. It also provides liability protection for CAP's use of meeting places, buildings, or airport facilities. This also provides coverage to CAP officials for claims of libel and slander alleged to have occurred while performing their official duties.

Accident Coverage - CAP provides a self-insured accident coverage for both senior members and cadets, which provides benefits in the event of reportable injury or death that occur during CAP- authorized activities. The CAP medical expense benefit is excess to any existing medical coverage available to senior or cadet members including family or employer type "Blue Cross" or HMO coverages. This provides a further \$8,000 less a \$50 deductible of coverage per claim.

Death Benefits (CAP) - The accidental death benefit of \$10,000 is payable regardless of the availability of other insurance.

No CAP accidental death or medical benefit is payable if: Injuries or death is self inflicted or caused by intoxication, drug use or gross misconduct. This is a self-insured program paid out of CAP's general fund and not a commercial insurance policy.

AF Missions - When on Air Force-assigned missions coverage is provided by the United States as CAP is deemed to be an instrumentality under title 10 United States Code section 9442(b)(2). Typically, such claims are handled under the Federal Tort Claims Act (FTCA).

Death Benefits (when on an Air Force-assigned mission) - Members 18 years of age and above who are killed or injured while on an Air Force-assigned mission (A or B-mission status) are covered under the Federal Employees Compensation Act (FECA). CAP members are considered to be "employees" (a special provision valid only for FECA benefits), and are eligible for death benefits, disability benefits, burial benefits, and medical coverage. CAP members' death benefits are computed as a percentage of salary as if the member was employed by the Federal government as a GS-9, Step 1 of the General Schedule pay system. Benefits can be paid to spouses and minor children, or to parents of members who are dependent on the member. See CAPR 900-5 for complete details.

HOW TO PROCESS INSURANCE BENEFITS

Understanding the importance of filling out the correct forms ensures that the proper actions will be taken within a timely manner. However, CAP has gone to great levels of training safety personnel to assist in avoiding accidents, although they will still occur from time to time, knowing where to find the information needed to report this is crucial.

Mishap Classification

There are several types of mishaps that need to be reported, the following is a brief description of them.

- a. **Aircraft accident (requires Form 78 and Form 79)** means an occurrence associated with the operation of an aircraft authorized to participate in CAP activities.
- b. **Aircraft incident (requires Form 78 and Form 79)** means an occurrence associated with the operation of an aircraft authorized to participate in CAP activities that does not meet the criteria for an accident.
- c. **Aircraft minor mishap (requires Form 78 only)** means a mishap associated with the operation of an aircraft authorized to participate in CAP activities which does not meet the minimum criteria to be classified as an accident or incident.
- d. **Vehicle accident (requires Form 78 and Form 79)** means an occurrence associated with the operation of a CAP vehicle authorized to participate in CAP activities.
- e. **Vehicle incident (requires Form 78 and Form 79)** means an occurrence associated with the operation of a CAP vehicle authorized to participate in CAP activities that does not meet the criteria for an accident.
- f. **Vehicle minor mishap (requires Form 78 only)** means a mishap associated with the operation of a vehicle authorized to participate in CAP activities which does not meet the minimum criteria to be classified as an accident or incident.

- g. **Bodily injury accident (requires Form 78 and Form 79)** means an occurrence involving bodily injury, where an aircraft or vehicle is not involved.
- h. **Bodily injury incident (requires Form 78 and Form 79)** means non-serious injuries
- i. **Bodily injury minor mishap (requires Form 78 only)** means a bodily injury which does not meet the minimum criteria to be classified as an accident or incident.

This is a good time to familiarize yourself with CAPR 62-2

It is vitally important that the CAPF 78, *CAP Mishap Report Form*, be submitted promptly in all cases involving reportable CAP mishaps, and that the CAPF 79, *CAP Mishap Investigation Form* be submitted as soon as possible. See CAPR 62-2, *Mishap Reporting and Investigation*. REPORT ALL MISHAPS involving property damage or reportable bodily injury. Failure to do so could result in a member being held personally responsible for the damages or medical expenses incurred as a result of a mishap. The contents of CAPF's 78 and CAPF's 79 involving death or serious injury cases should be coordinated in advance with the General Counsel at National Headquarters. Also, no CAPF 78 or 79 should be submitted in cases involving member-owned vehicles without prior coordination with the General Counsel.

CLAIMS PROCEDURES

All claims for CAP medical or death benefits must be submitted on a CAPF 80, *Civil Air Patrol Death Benefit/Medical Expense Claim Form*, (reproducible copy at attachment 2) together with a CAPF 78 and CAPF 79 and such other documents that pertain to the incident. The claim documents must be submitted to National Headquarters:

NHQ CAP /GC
Building 714,
105 South Hansell Street
Maxwell AFB AL 36112-6332

3. Describe common exceptions to coverage

CAP and Air Force insurance coverages do have limitations beyond monetary sums available. Insurance will not pay for certain actions or for losses incurred under certain circumstances. It's important to understand these common exceptions so that members will know when their own personal coverage will have to be accessed in the event of a loss. This list is not all-inclusive.

NEGLIGENCE

CAP and/or insurers/federal government will not pay in instances of gross negligence (as an example, driving/flying under the influence of alcohol, illegal drugs, etc., or flying in violation of the FARs). Obviously this list is not all-inclusive.

ENGAGING IN ILLEGAL ACTIVITY

If member activity breaks the law, the member will not be covered.

PROHIBITED ACTIVITIES DURING AIR SHOWS

CAP can be used to support air shows (see CAPR 900-5). That said, there are several activities that CAP or its members acting as CAP members cannot engage in:

- Sponsor or cosponsor an air show
- Accept plane rides in an air show as part of any official activity
- Be used as security guards or damage control
- Taxi non-CAP aircraft before, during, or after an air show
- Direct parking of aircraft unless having received training on aircraft marshalling and having flight line authorization on CAPF 101 or CAPF101T.

TRAVEL

CAP does not normally cover transportation to/from CAP meetings, events, or activities in privately-owned vehicles. This is commonly known as the "home-to-work" rule. For instance, cadets traveling to the summer encampment in a privately-owned vehicle are not covered. There are exceptions for official travel on military airlift or for travel while engaged in an Air Force-assigned mission. One **may** be covered driving to a SAR mission in their POV.

DAMAGE TO MEMBER-OWNED VEHICLES OR AIRCRAFT

CAP assumes no responsibility for loss or damage to member-owned or furnished vehicles and aircraft.

LOST OR STOLEN ITEMS

CAP normally assumes no liability for lost or stolen personal or privately-owned items used for CAP. Exceptions to corporate property exist. Contact NHQ CAP/GC for more information.

Lesson Summary and Closure

In this section, you should have a greater understating of what types of Insurances are available to CAP members, and where to locate information about the CAP publications governing insurance and benefits. While Insurance is vital to all organizations, knowing what forms and procedures to follow is critical, and how they need to be filled out and in the time period required.

Works Cited

Civil Air Patrol National Headquarters. The CAP Insurance/Benefits Program CAPR 900-5. Civil Air Patrol, Maxwell AFB AL: 01 September 2003. http://members.gocivilairpatrol.com/media/cms/R900_005_8F2514161E982.pdf

Civil Air Patrol National Headquarters. Mishap Reporting and Investigation (CAPR 62-2). Civil Air Patrol, Maxwell AFB AL: 27 November 2007 INCLUDES CHANGE 1, 7 DECEMBER 2007, http://members.gocivilairpatrol.com/media/cms/R062_002.pdf