

## ★ CHAPTER 25 ★

DISPOSITION OF NON-DOD PERSONAL PROPERTY2501 GENERAL

250101. Purpose. To prescribe the policies, procedures and requirements to be utilized during the disposition of lost, abandoned or unclaimed non-Department of Defense (DoD) personal property and the personal property of deceased members of the Armed Forces.

250102. Scope. The requirements, policies and procedures detailed herein are in accordance with Title 10 of the United States Code, sections 2575, 4712, 6522 and 9712, and are required when disposing of non-DoD personal property under the jurisdiction of a Military Department.

2502 DISPOSITION OF UNCLAIMED PROPERTY

250201. General Policy. Military Departments may, by public or private sale or otherwise, dispose of all lost, abandoned or unclaimed personal property that comes into custody or control. However, property may not be disposed of until a diligent effort has been made to find the owner (or the heirs, next of kin, or legal representative of the owner). A diligent effort to find the owner (or the heirs, next of kin, or legal representatives of the owner) shall begin, to the maximum extent practicable, not later than 7 days after the date on which the property comes into the custody or control of the Military Department having immediate jurisdiction and should continue for a period of 45 days, unless the owner (or the heirs, next of kin, or legal representatives of the owner) is found sooner. Notice of the time and place of the intended sale or other disposition must be sent by certified or registered mail to the applicable owner (or heirs, next of kin, or legal representatives of the owner) at their last known address. If the owner (or the heirs, next of kin, or legal representative of the owner) is determined but not found, the property may not be disposed of until the expiration of 45 days after the date the notice is sent to the owner (or the heirs, next of kin, or legal representatives of the owner). When a diligent effort to determine the owner (or heirs, next of kin, or legal representative of the owner) is unsuccessful, the property may be disposed of without delay. If the property has a fair market value of more than \$300, it may not be disposed of until 45 days after the date it is received at the point of storage. (Property subject to paragraph 250203 below is exempted from the requirements of this paragraph. Procedures for the disposition of personal property of deceased members of the Army and Air Force are in paragraph 2503. Procedures for the disposition of property for deceased members of the Navy and Marine Corps are in paragraph 2504.)

250202. Distribution of Proceeds. The proceeds from the sale of lost, abandoned or unclaimed personal property found on a military installation, shall be credited to the operation and maintenance account that funds the operations of that installation and be used to reimburse the installation for any costs incurred during the collection, transporting, storage, protection, or selling of the property. Any proceeds which remain after the reimbursement of installation expenses shall be utilized to support morale, welfare and recreation activities under the jurisdiction of the armed forces that are conducted for the comfort, pleasure, contentment, or

physical or mental improvement of members of the armed forces at such installation. The net proceeds from the sale of other property under paragraph 250201 shall be deposited into the Treasury as miscellaneous receipts.

250203. Restrictions. No property covered by this section may be delivered to the Armed Forces Retirement Home by a Military Department, except papers of value, sabers, insignia, decorations, medals, watches, trinkets, manuscripts and other articles valuable chiefly as keepsakes.

250204. Claims for Proceeds. The owner (or heirs, next of kin, or legal representative of the owner) of personal property whose proceeds were credited to a military installation may file a claim with the Secretary of Defense for an amount equal to the proceeds less costs referred to in paragraph 250202. Amounts to pay the claim shall be drawn from the morale, welfare and recreation account for the installation that received the proceeds. Unless a claim is filed under this section within 5 years after the date of the disposal of the property to which the claim relates, the claim may or may not be considered by either the Secretary of Defense or a court. The responsibility of the Secretary of Defense to consider such claims has been delegated to the Under Secretary of Defense (Personnel and Readiness).

#### 2503 ARMY AND AIR FORCE PROCEDURES FOR DISPOSITION OF PERSONAL PROPERTY OF DECEASED MEMBERS

250301. General Policy. Upon the death of a person subject to military law and under the jurisdiction of the Army or Air Force, or upon the death of a resident of the Armed Forces Retirement Home; the commanding officer shall permit the legal representative or the surviving spouse of the deceased, if present, to take possession of the effects of the deceased that are then in camp or quarters. If there is no legal representative or surviving spouse present, the commanding officer shall direct a summary court-martial to collect the effects of the deceased that are then in camp or quarters. The summary court-martial may collect debts due the decedent by local debtors, and pay undisputed local creditors of the deceased (to the extent permitted by the financial resources of the deceased). Receipts for payments made from the estate of the deceased shall be filed with the court's final report to the Department of the Army or Air Force.

250302. Distribution of Personal Property. As soon as practicable after the collection of the personal effects and monetary assets of the deceased, the summary court-martial shall, at the expense of the United States, send the personal effects and monetary assets to one of the living persons, in the order of precedence shown on the following list, who is found by the court:

- (1) The surviving spouse or legal representative.
- (2) A child of the deceased.
- (3) A parent of the deceased.
- (4) A brother or sister of the deceased.
- (5) The closest next of kin of the deceased.
- (6) The beneficiary named in the will of the deceased.

250303. Time Limits. If the summary court-martial cannot dispose of the effects as stated in paragraph 250302 because there are no persons in any of the categories listed, or because the address of such persons are not known or are not available, the court may convert the effects of the deceased into cash by public or private sale. However, the sale may not occur until 30 days after the date of death of the deceased. Items listed in paragraph 250203 of this Chapter may not be sold.

250304. Final Disposition of Personal Effects. As soon as practicable after the effects have been converted into cash, the summary court-martial shall relinquish custody of all cash and all receipts relating to cash transactions to the executive part of the Department of the Army or Air Force. Wills or other papers of value, an inventory of personal effects and articles whose sale is not permissible also shall be placed under the jurisdiction of the executive part of the Service of which the deceased was a member. All items received by the executive part of the Army or Air Force shall be delivered to the Armed Forces Retirement Home.

2504 NAVY AND MARINE CORPS PROCEDURES FOR DISPOSITION OF PERSONAL PROPERTY OF DECEASED MEMBERS

250401. General Policy. The Secretary of the Navy shall retain custody of money or other personal property of a deceased member of the Naval Service and make a diligent effort to determine and locate the heirs or next of kin of the deceased member. Property remaining unclaimed 2 years after the death of the member shall be sold, and the proceeds, together with any other monetary assets of the member held in custody, shall be deposited into the Treasury.

250402. Recoupment Procedures. Within 5 years after the date the money and proceeds are deposited into the Treasury, any claim that is presented, and supported by competent proof, shall be certified to Congress for consideration. Subsequent to the 5 year period, claims shall not be accepted and the requestor shall be notified that the time limit for submitting a claim has expired.