



Legal Assistance Office
Office of the Staff Judge Advocate

Lewis Main Post
Building 2027
Liggett Avenue and North 8th Street
253-477-1875

McChord Airfield
Suite 1096
100 Col Joe Jackson Blvd
253-982-5513

FLIPLs

1. What is a Financial Liability Investigation of Property Loss (FLIPL)?

A FLIPL is an investigation into lost or damaged government property. A FLIPL will also have a determination of the cause of a loss and liability for the loss.

2. Who conducts a FLIPL investigation?

Generally, a battalion commander, called an appointing authority, assigns a responsible Soldier as the financial liability officer (FLO). The FLO's job is to gather evidence, evaluate the evidence, and make a recommendation as to who should be held liable.

3. How is liability determined?

A FLO will recommend liability against a Soldier if the Soldier was negligent, grossly negligent, or acted in a willful manner and that conduct caused a loss to the government. The approving authority (often times the battalion commander or brigade commander) will then consider the FLO's investigation, the evidence gathered, and any rebuttal matters submitted by the respondent. At some point a legal review will be conducted by a Judge Advocate officer to determine if the investigation was legally sufficient.

4. What is needed to find a Soldier liable?

Liability requires four factors. The four factors are: (1) loss to the government; (2) responsibility for government property; (3) negligent conduct; (4) the negligent conduct caused the loss to the government (proximate cause).

5. What should I do if I am recommended for liability?



Generally, a Soldier has seven days to write a formal rebuttal to a FLIPL. It is very important that the Soldier keep careful track of the response deadline to ensure that he/she has a chance to tell their side of the story.

Upon receipt of the FLIPL, a Soldier should immediately come to the legal assistance office to schedule an appointment. The legal assistance office generally books appointments approximately two weeks out. The receiving Soldier should request an extension memorandum requesting the rebuttal due date be extended to seven days from an appointment with a legal assistance attorney.

The Soldier should also begin gathering related documents and evidence as discussed in section 12 below.

6. What is a rebuttal?

A rebuttal is a formal written statement submitted by a Soldier when liability is recommended. The rebuttal is generally due within seven days of being served with a FLIPL. Usually, the rebuttal addresses the legal short comings of the FLO's investigation and recommends that the Soldier be relieved of liability. It might also highlight contradictions in the evidence or present new evidence to the FLO and approving authority for consideration. In cases in which liability is not contested a rebuttal might submit matters in mitigation or an explanation.

7. How long do I have to submit my rebuttal?

If a Soldier is hand delivered a recommendation for liability they have seven days to submit a rebuttal. If the Soldier is present in the same country as the FLO and the packet was mailed or emailed, the Soldier has fifteen days to submit their rebuttal. If the Soldier is in another country than the FLO, the Soldier has thirty days to submit a rebuttal. A FLO and appointing authority are required by regulation to consider late rebuttals when submitted.

8. What if I disagree with the approval authority's determination?

Upon notification by the approval authority that liability is being assessed a Soldier has thirty days to request reconsideration. The request for reconsideration can include new evidence, new legal arguments, new mitigation information, or further information about the Soldier's particular facts and circumstances. If the approval authority still



proceeds with assessing liability then investigation, evidence, rebuttal, and request for reconsideration will be forwarded to the appeal authority.

If the approving authority and appeal authority deny the request for reconsideration a Soldier may appeal to the Department of Army Board for Correction of Military Records.

9. The damaged or lost item was used, how is value determined?

When an item is lost or damaged beyond repair the FLO is to consider the fair market value of the item. If it is not possible to determine the fair market value, the FLO is supposed to determine the depreciated value (generally 5% per year, to 75%). If both the fair market value and depreciated value cannot be determined, the FLO should recommend assessing the rebuild cost and salvage value from the FEDLOG price. If the item is damaged and can be repaired, the FLO is supposed to determine the actual repair cost less certain deductions.

10. How much money can I be required to pay if I am found liable?

In cases of negligence the amount that can be collected is generally capped at one month's base pay. In cases of gross negligence or willful misconduct the actual amount of the loss can be assessed, no matter how high.

11. What if I cannot afford to pay for the loss?

You can request cancellation or remission of the debt. A request for assistance in seeking cancellation or remission of the debt should be made to the Soldier's commander. The Soldier can also request a payment plan to lessen the immediate financial hardship.

12. What can a legal assistance attorney do to help a Soldier?

A legal assistance attorney can do several important things to assist a Soldier who receives a FLIPL. A legal assistance attorney can review the underlying evidence and determine if it is legally sufficient. A legal assistance attorney can help you look at the strengths and weaknesses of your case dispassionately. A legal assistance attorney can advise you of evidence which it would be useful to gather. A legal assistance attorney can evaluate the evidence and help you determine the best arguments to make in your rebuttal. A legal assistance attorney can assist you in drafting your formal rebuttal. A legal assistance attorney can also assist you in appealing your FLIPL to the Department of Army Board for the Correction of Military Records.



13. What can I do to help my legal assistance attorney?

Given the tight timeframes and possible delay in meeting with a legal assistance attorney, it is important that the Soldier gather as much information and evidence prior to the appointment as they can. This includes gathering all related documents (investigative report, all exhibits, all sworn statements, pictures, etc.) and any additional evidence to submit for consideration. This can include the names and contact information of other Soldiers who were involved.