

WAC 118-04-340 Eligibility requirements and procedures for filing property loss and damage claims. (1) The person seeking reimbursement shall have been a registered emergency worker, activated by an authorized official for an authorized activity under the provisions of chapter 38.52 RCW, and shall have reported to or been in the process of reporting to the authorized on-scene official.

(2) The emergency management division will provide forms (Form EMD-086, property loss or damage claim) for reimbursement of property loss or damage claims as authorized by chapter 38.52 RCW. All claims must include receipts and documentation and be submitted to the local emergency management agency.

(3) For missions occurring outside the person's jurisdiction of residence, the claimant may file the claim with the jurisdiction of residence, provided that the local emergency management agency director in the jurisdiction of residence coordinates the claim with the local emergency management agency director in the jurisdiction where the mission occurred.

(4) The original of the claim shall be sent to the department of general administration, division of risk management, who will register the claim and forward it to the emergency management division. The claimant should send a copy of the claim to the emergency management division.

(5) In the event of property loss or damage, the on-scene authorized official shall be notified as soon as possible.

(6) The on-scene authorized official shall advise the local emergency management agency director of any significant property loss or damage and shall provide appropriate and timely documentation. The local emergency management agency director shall notify the emergency management division of any significant property loss or damage. The emergency management division shall assist the local emergency management agency director in processing claims.

(7) Loss or damage shall not have been caused by the willful misconduct, gross negligence, or bad faith of the claimant.

(8) Only property that is deemed necessary and reasonable for the mission activity shall be considered for compensation, if lost or damaged.

(9) Loss or damage to personal property caused by normal wear and tear, mechanical or electrical breakdown, or any inconvenience consequent to such loss or damage that was not the result of the mission activity shall not be eligible for compensation.

(10) Compensation for the loss or theft of property left unsecured or for damage which could have been prevented through reasonable care may be denied.

(11) Animals such as dogs and horses, used in an official capacity on missions are considered personal property. Claims for the injury or loss of animals during either an authorized training event or mission shall be submitted on the property loss or damage claim form (Form EMD-086). Evaluation of the claim shall consider, at a minimum, replacement cost of the animal, special training required, and other costs for preparing the animal for the mission or duty.

(12) For claims in excess of the amount set by RCW 38.52.220, a compensation board shall meet to review the claim under RCW 38.52.210, 38.52.220, 38.52.230, 38.52.240, and 38.52.250.

(a) The local emergency management agency director shall notify the emergency management division of any pending claim in excess of the amount set by statute.

(b) The claimant shall be notified of the date, time, and place of the compensation board hearing by the local emergency management agency director by personal service or registered mail.

(c) The compensation board established under chapter 38.52 RCW may request that the claimant appear before the board.

(d) The local emergency management agency director shall transmit the findings and recommendations of the compensation board to the emergency management division for disposition.

(13) As provided in RCW 4.16.080, claims for property damage or loss shall be filed within three years after the date of the occurrence.

[Statutory Authority: Chapter 38.52 RCW. WSR 01-02-053, § 118-04-340, filed 12/28/00, effective 1/28/01; WSR 93-23-005 (Order 93-08), § 118-04-340, filed 11/4/93, effective 12/5/93.]