

DEPARTMENT OF THE NAVY
Office of the Chief of Naval Operations
Washington, DC 20350-2000

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OPNAVINST 11101.44
OP-157
17 October 1990

OPNAV INSTRUCTION 11101.44

From: Chief of Naval Operations
To: All Ships and Stations (less Marine Corps field addressees not having Navy personnel attached)

Subj: OCCUPANT RESPONSIBILITY AND LIABILITY FOR NAVY FAMILY HOUSING AND BACHELOR QUARTERS

Ref: (a) DoD Manual 4165.63-M of 17 Jun 88, Chap. 4 (NOTAL)
(b) SECNAVINST 11100.7A (NOTAL)
(c) Title 10 USC 2775
(d) DoD Instruction 7045.18 of 13 Mar 85 (NOTAL)
(e) DoD Military Pay and Allowances Entitlements Manual of 9 Mar 87, Chap. 7
(f) PAYPERSMAN, NAVSO P-3050, part 7

Encl: (1) Definition of Terms
(2) General Procedures
(3) Preparation of NAVPERS 11101/2, Record of Housing Investigation
(4) Debtor Entitlements and Rights
(5) Housing Investigation Guidance

1. Purpose. To implement the policy concerning occupant responsibility and liability for family and bachelor housing as set forth in references (a) and (b), and to provide Navy-wide guidance and procedures for determining responsibility for the care and maintenance of family and bachelor housing and liability for loss of or damage to the housing unit or quarters, equipment and furnishings. This instruction is a complete revision and should be reviewed in its entirety.

2. Cancellation. OPNAVINST 11101.27.

3. Scope. This instruction applies to military family housing under Navy control and supported by Family Housing, Navy (FHN) funds. It

applies also to Bachelor Quarters (BQ) under Navy control and supported by Operations and maintenance, Navy (O&M,N) or Bachelor Quarters Billeting (NAF) account funds, as appropriate.

4. Definitions. See enclosure (1).

5. Background

a. Reference (c) authorizes deductions be made from a military member's pay to cover the cost of repairs or replacement of housing property made necessary by abuse or negligence in family and bachelor housing. Additionally, this section authorizes similar deductions be made when a military member assigned family housing fails to satisfactorily clean the unit upon termination of assignment. References (a), (b) and (d) incorporate these provisions.

b. Reference (b) establishes the policy for, and provides guidance concerning, occupant responsibility and liability for the care and maintenance of Navy and Marine Corps housing property and directs the Chief of Naval Operations (CNO) to issue appropriate implementing instructions for the Navy.

c. References (e) and (f) govern collection of indebtedness from service members.

6. Policy

a. Occupants will be provided clean, habitable quarters and are required, upon vacating, to return the quarters and assigned grounds and furnishings in the same condition, with allowances for ordinary wear and tear.

b. Family housing occupants will be responsible for such routine maintenance, minor repair, operation, housekeeping, and related servicing of housing property such as: replacing electric light bulbs and fuses; cleaning and replacing government furnished filters on furnaces and air conditioners; changing batteries in smoke detectors, etc. A service member will

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also be liable for the cost of cleaning made necessary by his or her failure to clean a family housing unit satisfactorily upon termination of assignment, and for loss of or damages to housing property caused by abuse, negligence, or willful misconduct, including that caused by his or her dependents or invited guests.

c. Bachelor quarters occupants will be responsible for routine housekeeping and reporting items for repair or replacement to the appropriate bachelor quarters management personnel. An assigned service member will be liable for loss of or damages to bachelor quarters property caused by abuse, negligence, or willful misconduct, including that caused by his or her invited guests.

d. Occupants will be given the opportunity to reimburse the government voluntarily.

e. Occupants who are held accountable for any loss, damage, or cleaning of quarters will be given due process protection. Appeals will be first reviewed by a judge advocate, who will advise the approving official of any legal considerations before a final decision is made.

f. Nothing contained here will act to limit the right of the United States to seek full recovery of the actual value of loss or damage for which the occupant is determined to be liable from available insurance owned by the occupant.

7. Responsibilities

a. The Commander, Naval Facilities Engineering Command (COMNAVFACENG-COM) and the Commander, Naval Military Personnel Command (COMNAVMILPERSCOM) will issue further implementing instructions as required.

b. Major Claimants will:

(1) Take final action on all appeals and NAVPERS 11101/2, Record of Housing Investigation, forwarded for action by an installation commander.

(2) Take final action on all requests for waiver of indebtedness.

c. Installation Commanders will:

(1) Establish written instructions and standards per paragraph 8b for the cleaning, care and maintenance of housing property, tailored to suit local conditions.

(2) Ensure that occupants are provided clean, habitable quarters, and are informed of their responsibilities and potential liabilities at the time of assignment.

(3) Ensure that housing investigations and records are completed as required when cleaning, care and maintenance standards are not met, or upon discovery or report of loss or damage to housing property. Enclosures (2) through (5) provide detailed guidance for the conduct of housing investigations.

(4) Review all housing investigation records, except those in which personally involved.

(5) Take final action on housing investigations, except when final action is reserved for higher authority.

(6) Review all appeals, and forward those not granted to the appropriate major claimant for final action.

(7) Endorse and forward requests for waiver of indebtedness.

d. Tenants will:

(1) Perform such routine maintenance, minor repair, operation, housekeeping and related servicing, and return the housing property in the same condition as received, ordinary wear and tear excepted.

(2) Immediately report any loss of or damage to housing property, or any items in need of repair or replacement, to the Housing or Bachelor Quarters Office, as appropriate.

8. Appeals

a. Action by Individual. A person held liable for the cost of damages, loss or cleaning may appeal in writing to the authority taking the final action on the Record of Housing Investigation. The appeal must specifically state the alleged errors or injustices occurring during the survey process. An appeal must be submitted via the chain of command to the approving authority within 30 days of the date of notification of indebtedness or within 45 days after receipt of the records relating to the debt, if such records are requested by the debtor. The window for submitting an appeal may be extended to 60 days provided notice of intent to appeal is submitted within 30 days.

b. Action by Approving Official. The appeal is reviewed by the authority who took the final action or his or her successor. He or she may grant or deny the appeal.

(1) If the approving official grants the appeal, any monies collected will be refunded, similar to an erroneous collection.

(2) If the approving official denies the appeal, the file will be sent to the appropriate major claimant via the chain of command for final action. Monies will not be refunded pending final determination of the appeal by the major claimant.

9. Requests for Waiver of Indebtedness

a. Action by Individual. Any occupant may apply under Title 10, United States Code, Section 2775 for waiver of financial liability. Requests must be in writing, and submitted to the major claimant, via the installation commander, within 60 days of notification of the indebtedness. Requests must substantiate that collection of the debt would result in financial or personal hardship.

b. Considerations. In each case, the degree of the occupant's liability and the likelihood that collection in full will result in an

undue financial or personal hardship to the occupant are considerations in making such a determination.

c. Approval. The installation commander will endorse and forward requests for waiver to the major claimant via the chain of command. The Secretary of the Navy has delegated to the Chief of Naval Operations the authority to compromise or waive a claim pursuant to Title 10, United States Code, Section 2775, if, based upon the unique circumstances of the individual case, it is determined that the compromise or waiver of the claim is in the best interests of the United States. This authority is redelegated to major claimants but may not be further delegated.

10. Retention of Documentation. Audit capability is required following the processing of documents and data. Records of Housing Investigation and all back-up documentation will be retained for a period of 2 years.

11. Forms

a. The following forms are available through normal Navy supply channels per NAVSUP P-2002, Navy Stock List of Publications and Forms.

DD 139, Pay Adjustment Authorization (May 53), S/N 0102-LF-001-1200.

DD 139, Pay Adjustment Authorization (May 53), S/N 0102-LF-001-1501 (4-Part Set).

b. NAVPERS 11101/2 (1-90), Record of Housing Investigation, is stocked at Commander, Naval Military Personnel Command, NMPC-67, Washington, DC 20370.

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OPNAVINST 11101.44
17 October 1990

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SNDL Parts 1 and 2

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