



United States
Department of
Agriculture

Forest
Service

Washington Office

14th & Independence SW
P.O. Box 96090
Washington, DC 20090-6090

File Code: 6570
Route To:

Date: February 4, 2005

Subject: Tort Claim - Brown, Henry; Personal Property Damage; \$9,040.00 + Interest;
May 30, 1989; Francis Marion & Sumter NFs, Southern Region

To: Regional Attorney, USDA Office of the General Counsel
1718 Peachtree Road, NW - Suite 576
Atlanta, GA 30309

Enclosed is a claim letter from Henry E. Brown, Jr., for a "loss" of \$9,040.00 that allegedly resulted from a fire that "was started in the National Forest" on May 30, 1989. On January 31, 2005, Mr. Brown hand-delivered the letter, dated the same day, to Forest Supervisor Jerome Thomas, Francis Marion & Sumter NFs, apparently in response to a demand letter and bill for collection the Forest Service issued to Mr. Brown on January 28.

Mr. Brown asserts the Forest Service "neither detected nor contained the fire," and that it burned 51 acres. Mr. Brown requests that, "To be consistent with your method of computing expenses, I should be paid one percent (1%) over Department of Treasury Fund rates from May 30, 1989."

[REDACTED]

(b)(5)

[REDACTED]

[REDACTED] Please provide me with a copy of your determination letter to Mr. Brown. You may send it to my attention at USDA Forest Service, 200 Sycamore Street, Elkins, WV 26241.

Please call me at 304-636-1800, ext. 208, if you have any questions or require additional information.

Sincerely,

JANET SHEHAN
Claims Specialist, USDA Forest Service
Enclosure

cc w/o encl.:

Robert Pierson - R8

Terry Cooper - T

✓ Jerome Thomas - Francis Marion & Sumter NFs



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Rec'd FS 2-7-05
Jim Hall OK

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HENRY E. BROWN, JR.

Hanahan, South Carolina 29406

January 31, 2005

Mr. Jerome Thomas, Forest Supervisor
U.S. Department of Agriculture
4931 Broad River Road
Columbia, SC 29212

Dear Mr. Thomas:

I received your letter and a notice of billing in the amount of \$4,747.18 which you claimed was for expenses incurred on March 5, 2004 to contain a fire of 20 acres on National Forest land.

I was appalled to read that you considered the matter an act of negligence rather than the result of sudden high winds that caused the fire to leave my property and move on to the National Forest.

On May 30, 1989, a fire that was started in the National Forest came onto my property and burned 51 acres, 16 acres of which were a complete loss. Based on an estimate made at the time of the fire by James D. Walters, District Forester for the S.C. Forestry Commission, my loss was \$9,040.00. To be consistent with your method of computing expenses, I should be paid one percent (1%) over Department of Treasury Fund rates from May 30, 1989.

As you can see from the report of Mike Maggard, the U.S. Forest Service neither detected nor contained the fire. It was detected and extinguished by the S.C. Forestry Commission. I was willing to forgive the acts of the U.S. Forest Service that resulted in my loss, but I believe that such a policy should be reciprocal. Further, I believe a private citizen and a taxpayer should have the same rights and privileges of recovering damages as the federal government.

I might add that I have 1,500 acres of loblolly pine with a 5 mile boundary along the National Forest. As a good neighbor, I was willing to forgive the government for my loss. Apparently, however, you are not.

I hope to hear from you with regard to this matter so that we can put both issues to rest.

Sincerely,


Henry E. Brown, Jr.

Attach: James D. Walters, District Forester, S.C. Forestry Commission
Mike Maggard, S.C. Forestry Commission

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Supv Camp
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Brown - Claim - 1989

(mail - T - T - limit 20mb)

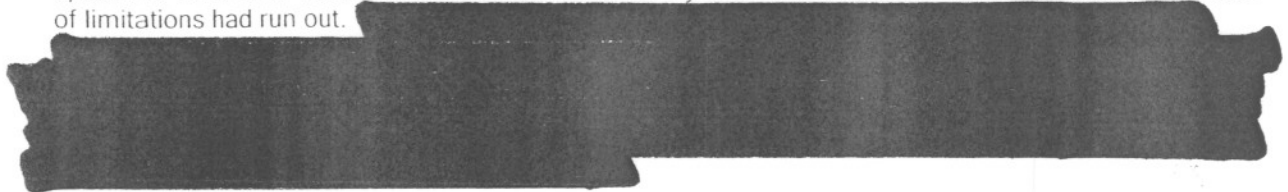
Stephen E
Wells/R8/USDAFS
10/12/2005 10:46 AM

To Jerome Thomas/R8/USDAFS@FSNOTES
cc JaSal Morris/R8/USDAFS@FSNOTES, Claudette R
Bryant/R8/USDAFS@FSNOTES
bcc Stephen E Wells/R8/USDAFS
Subject Status: Congressman Brown Case

After reviewing the Brown file this is where I believe we are:

We sent a demand letter and bill for collection for \$4747.18 to Brown on 1/28/05. Brown submitted a claim against the government in the amount of \$9040.00 on 1/31/05 for a fire that occurred on NF land and spread to his land in 1989. That claim was reviewed by OGC and denied on 1/22/05 because the statute of limitations had run out.

(b)(5)



Steve Wells
Fire, Lands & Minerals Staff Officer
Francis Marion & Sumter National Forests
4931 Broad River Road
Columbia, SC 29212
803-561-4061 cell 803-315-3179 Fax 803-561-4004
swells@fs.fed.us
