

U.S. Department of
Homeland Security

United States
Coast Guard



Commanding Officer
United States Coast Guard
Legal Service Command

300 East Main Street
Suite 400
Norfolk, VA 23510
Staff Symbol: LSC-5E
Phone: 757-628-4212

5890
11-32-LC-0245
March 8, 2012

7006 2760 0003 9979 5046

CERTIFIED MAIL; RETURN RECEIPT REQUESTED

Timothy R. Carroll, Executive Secretary
Town of Chilmark
PO Box 119
Chilmark, MA 02535-0119

Re: Property Damage Claim
Date of Incident: July 12, 2010
USCG File No. 11-32-LC-0245

Dear Mr. Carroll:

We have reviewed the Town of Chilmark's damage claim. Regrettably, the claim is denied pursuant to the Federal Tort Claims Act, 28 U.S.C. §§ 2671-2680 and the Code of Federal Regulations, 28 C.F.R. Part 14; and 33 C.F.R. Part 25.

The information indicates that the fire began on the drive-on pier, quickly spreading to a nearby structure, access piers and moored boats. The investigation into this incident could not determine the cause of the fire that damaged the Town's property. Hence, because the claimed damages were not caused by the U.S. Coast Guard's negligence, the claim is not payable.

If the Town of Chilmark wishes to pursue the matter, you may commence an action in the appropriate United States District Court not later than six months after the date of mailing of this notice. Or, prior to commencing an action, you may file a written request for reconsideration of this decision. The request should include the legal or factual grounds supporting the relief requested and must be filed with this office within six months after the date of mailing of this notice.

Sincerely,

A handwritten signature in blue ink that reads "Susan A. Steiner".

S.A. STEINER
Attorney
U.S. Coast Guard
By direction

