

In the Aftermath of the F/A-18D Crash

From JAG Corps Public Affairs

At approximately 12:05 p.m. on April 6, 2012, an F/A-18D assigned to the Naval Air Station Oceana-based Strike Fighter Squadron (VFA) 106 crashed into an apartment complex in Virginia Beach, Va.

The plane landed in the Mayfair Mews apartment complex leaving a fiery scene of destruction. Almost half of the 64 units in the apartment complex were totally destroyed; however, not a single human life was lost.

Both aircrew ejected safely and were transported to a local hospital. Five others were also taken to the hospital where they were treated and released.

With national headlines touting the lack of fatalities as a miracle, there were still many lives drastically affected by the property damage left behind. The crash and subsequent fire caused significant property damage and displaced more than 130 residents. Residents who resided in 27 of the apartment units were permanently displaced and forced to find new homes.

Rear Adm. Tim Alexander, Commander of the Navy's Mid-Atlantic Region, immediately responded and explained to residents, "We are committed to doing the right thing to address the needs of these families, who through no fault of their own have endured an incredible hardship. We owe it to everyone affected by [the] accident to help them get their lives back together."

It was the JAG Corps' role to ensure affected residents were promptly and fairly compensated so they could return to a normal life.

Mr. Hal Dronberger, deputy director for the Office of the Judge Advocate General's (OJAG) Claims and Tort Litigation Division (Code 15), arrived on scene within 24 hours of the crash. He mobilized the JAG Corps Disaster Response Team consisting of Code 15 staff and Region Legal Service Office (RLSO) and Naval Legal Service Office (NLSO) MIDLANT attorneys and paralegals.

"Our response team consisted of seasoned military and civilian attorneys and legal staff," said Dronberger. "Due to the coordinated efforts of this diverse group of professionals, we were able to immediately respond to the concerns of Mayfair Mews residents and members of the community. Without the hard work and expertise of these individuals, we would not have been able to provide this extensive level of support and assistance to those affected by the crash."

On the day after the crash, the disaster response team held a community meeting for residents with a number of local government officials and police, fire, and human services representatives in attendance. There, Navy personnel met individually with displaced residents, handed out claims packages, and

gathered information necessary to provide emergency financial support for food and temporary lodging.

"Following the crash on Good Friday, we recognized there was going to be a need to provide immediate resources - money for food, shelter, and clothing - to the affected residents," said Cmdr. Frank D. Hutchison, staff judge advocate for Commander, Navy Region Mid-Atlantic (CNRMA). "Within hours, we had asked for and received authority from the Secretary of the Navy to expend up to \$150,000 in Emergency and Extraordinary Expense (EEE) funds."

With the assistance of the CNRMA Comptrollers and Personnel Support Detachment, checks were issued to displaced residents to cover the cost of lodging and meals for two weeks within two days after the crash.

As it became evident that resettling most of the displaced residents was going to take over a month, CNRMA arranged for additional EEE funds for the residents. For those whose residences were totally destroyed, the Tort Claims Unit Norfolk made advance payments on the claims to be filed. In total, over \$450,000 was paid to residents to assist them with immediate expenses.

In the days following the crash, the team met with affected residents, sometimes multiple times, to explain the available resources and start the claims process.

"In situations such as this, it is important to establish a personal connection with those who have just gone through the most traumatizing event in their lives," said Ms. Virginia Eilmus, head of the Personnel Claims Unit, Norfolk Disaster Response Team. "[They] needed someone to spend time with them and explain how to navigate the claims process."

It was this extra effort that made the process work.

"We appreciated that the residents were still reeling from the disruption of their lives and the narrow, but miraculous, escape from physical injury many had experienced," said Dronberger. "It was so important to us that everyone was receiving accurate information on the claims process and the way forward so that they would be able to start returning to their normal lives."

Being able to keep the residents informed was a top priority. A special cell set-up by CNRMA and manned by Norfolk NLSO and RLSO personnel was established at the Resident Assistance Center. There, residents could obtain claims forms, apply for additional EEE funds, and discuss the recovery process. Another group of NLSO/RLSO personnel manned a Region operated call center. Each resident who reported damages was given direct contact information to reach a Department of the Navy claims official.

"The Mayfair Mews residents appreciated the team's personal dedication to each of them, from answering simple questions to calling local landlords to help find a new apartment that met the financial and personal needs



Hal Dronberger, deputy director of Claims & Tort Litigation for the Office of Judge Advocate General (OJAG) briefs affected residents about aide services offered by the Navy. The Navy set up a meeting for affected residents April 7, 2012 at Virginia Beach Law Enforcement Training Academy to provide claims forms for personal injury or property damage resulting from the crash of an F/A-18D Hornet on April 6, 2012. (U.S. Navy photo by Mass Communication Specialist 3rd Class Antonio P. Turretto Ramos)

of residents,” said Lt. Jean-Marc Chanoine, a member of the Disaster Response Team from NLSO MIDLANT. “Our team’s enthusiasm, empathy and tireless support were appreciated in this time of unexpected challenge.”

The claims team had multiple follow-on communications with residents to assist them with filing and processing their claims.

“We had to get creative in helping the claimants establish their claims for proof of ownership and value of lost property. Their receipts for purchase of furniture and everyday household items like pots and pans and sweaters burned up in their apartments,” said Mr. Robert Thomas, the Navy tort claims attorney responsible for the adjudication process. “We looked at photographs taken by children at Thanksgiving. We sat down with interior decorators who had worked with the claimants fifteen years earlier. We called area furniture and electronics stores to see how long they kept sales records. We scrutinized videos and pictures taken by fire fighters and remediation workers of burned apartments. We personally walked through the ruins and stood in units about to be torn down.”

To date, over 60 claims have been filed and 35 have been settled. “We aren’t rushing the claimants” said Thomas, adding “this has been a very difficult experience

for the residents, and we are working at their pace.”

Coordination between the Navy, Virginia Beach officials and the remediation contractor was a continuous effort. In this regard, Lt. Rob Singer, staff judge advocate for NAS Oceana (NASO) excelled. He was NASO's sole point of contact to City of Virginia Beach departments including Fire, Sheriff's Office, Police, Housing, etc., and supported the emergency claim and distribution process

“Lt. Singer’s personal involvement with each resident was singled out numerous times and he gracefully transitioned from task to task and from one facet of recovery to another,” according to Capt. “Goose” Geiss, commanding officer, NASO. “He ran the effort for Oceana so I could continue to run these installations. He was on autopilot - never requiring ‘recalibration’ on my long-term desired effects.”

Executing the CNLSC plan to support disaster relief, Norfolk based judge advocates and OJAG personnel responded quickly and professionally to provide support to those numerous personnel impacted by the crash. While it was a miracle that there was no loss of life; the hard work, long hours and dedication by the entire Navy and local community team helped the affected residents return to a normal life. 🌟