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How to Get Results and Around the Roadblocks

When the Carrier Damages or Loses Your Product

When filing with a written letter:

- Identify the Shipment with as much information as possible, i.e., Carriers Pro Number, Date of Shipment, PO Numbers, Shippers Number, etc.
- Assert Liability
- Be SPECIFIC about the amount of money, attach ALL documentation.
- When telephoning a carrier to inquirer about filing, request a claim form. Always get the name of the party you are speaking to.
- Mail your claim ONLY to the carrier corporate headquarters.

How much time do I have to file?

*Section 2(b) of the Bill of Lading contract specifies that a claim must be filed within (9) nine months from the date of delivery or, in the event your shipment was not delivered, (9) nine months, after a reasonable time for delivery has gone by. You may be **time-barred** by law if you fail to file in this specified time allowed.*

Who in your Company should file?

- The owner or a designated party representing the owner who has an interest in the goods in question should file the claim.
- If your product was shipped at a “released rate”, the shipper should be contacted before a claim is filed.

Is my Claim valid?

- Check the Bill of Lading the shipper sent with your shipment.
- Check any other documentation, which may describe what, was shipped.
- If you did not receive your product in the same condition the shipper shipped it, or it was never delivered, you have a valid claim.

What Documents will I need to file?

- The following “minimum” are required under law 49 C.F.R 1005.2 (b) when filing a claim –
- Bill of Lading
- Original Invoice
- Paid Freight Bill (Remember you must first pay the Freight Bill before you can file a claim. Section 217 ICA 49 U.S.C. 317 (b).)
- *Repair Invoices* if any.

What if Original Documents are Not available?

- A certified copy of the invoice must be submitted.
- When the claimant has no paid freight bill or a Bill of Lading, a Bond of Indemnity is required to cover the missing documents.
- **A Carrier is not required to investigate a claim without proper documentation or an Indemnity Agreement for the missing documents is submitted.**

What happens if I found the loss or damage *after* I signed the Freight Bill?

- When damage is found after you have signed a freight bill and opened the carton(s), contact the carrier at the delivery terminal **immediately!** Request an inspection to be made ASAP.
- Do not let allow time to go by too long for the inspection.
- The *inspection report* is not a claim. **YOU MUST FILE THE CLAIM.**
- **Request a copy of the report.**
- **File the claim.**

Who bears the Burden of Proof?

Under the Law the claimant must establish–

- Good condition at origin.
- Damaged goods at destination.
- Amount of damages.

Then the Burden Shifts to the Carrier which must establish –

- The damage was caused by - an act of God, war, act or default of the shipper, act of public authority, or inherent vice and
- That the carrier is free from negligence in handling the product shipped to you.

When I call they are telling me they paid the claim.

- Get the check Number.
- Date it was issued.
- Date it was mailed.
- Verify mailing address.
- Request a copy of the check.

What if claim is delayed or denied?

***Contact: BBC Worldwide
Immediately!***