



TYPES OF FREIGHT CLAIMS



A loss freight claim occurs when freight is lost in the void - picked up but never delivered.

This is one of the more common forms of freight claims. This is when you receive freight with damage that is visible upon delivery.

A shortage occurs when you only receive part of the freight you were expecting. Product could have fallen out or pieces have gone missing.

When loss or damage is discovered after delivery and reported after the driver leaves, it is considered concealed.

CARMACK AMENDMENT

A liability law expanded in 1935 to cover motor carrier shipping with 5 exceptions (below):



ACT OF WAR

This exception applies to damage caused by hostile acts of military forces that are enemies of the government. This exception does not apply to organized crime.



ACT OF GOD

This defense applies when a carrier can show that damage was caused by physical phenomenon or natural disaster that was not within the control of the carrier.



ACT OF DEFAULT

The carrier can avoid liability if it can show that the damage was caused by an action of the shipper, such as insufficient packaging of the product.



PUBLIC AUTHORITY

The Carmack Amendment, a carrier can also avoid liability if the government caused the cargo damage. Quarantines, product recalls, or trade embargoes would fall under this exception.



INHERENT VICE

If the goods being transported are naturally subject to defects, diseases, or decay, and the carrier can show that this "inherent vice" in the product was the cause of such damage and not the carrier's negligence, there is no liability on the carrier. Examples of relevant products include fruits, vegetables, and cheese. The burden of proof is on the carrier to show that this exception applies.

BEST PRACTICES FOR RECEIVING FREIGHT

INSPECT YOUR FREIGHT IMMEDIATELY

Before you sign the delivery receipt, you'll want to count your boxes and check for any damages. Writing "subject to inspection" doesn't protect you in the case of a claim, so don't skip this important step. Take the time to make sure everything looks okay.

DOCUMENT ANY DAMAGES OR SHORTAGES

If you do find damages or a shortage in your shipment, it's important to document them for your claim. Take pictures of the damages products and notate any damages or shortages on the delivery receipt. Be as specific as possible and note each of the identified issues.

SAVE YOUR DAMAGED FREIGHT

Even if you document your damages, an inspector from the carrier may need to come to your location to inspect the shipment. Be sure to save your freight in case this situation arises.

PAY YOUR FREIGHT CHARGES

It may seem unfair, but paying your freight charges without delay for a damaged shipment is essential. If you refuse to pay the freight charges, it could hold up the resolution of your claim.

FILING A CLAIM



Complete a Claims Form



Proof of Delivery (POD)



Original Bill of Lading (BOL)



Freight Bill



Merchandise invoice
(to show value of damaged goods)



Repair/Replacement Bill



Pics of Damaged Freight

**CLAIM
DENIED**

AVOID THESE COMMON MISTAKES AND GET CLAIMS PAID



DOCUMENTS

You may be missing some essential paperwork or it contains an error. In this case, re-open the file and submit correct paperwork.



MITIGATE

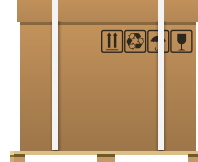
You may not meet the measure of damage set by the carrier's limit of liability. As the claimant, you are responsible for mitigating the damage within a reasonable amount by having the item repaired or selling it at a discount. If mitigation is not possible, you can submit an explanation for why it's not possible.



NOTATION

This is why it's incredibly important to inspect your freight upon delivery and notate any damages on the delivery receipt. Also, check the inside contents as soon as possible to recognize any concealed damage.

*Subject to inspection and count



PACKAGING

This may be the most common defense raised by carriers. If the shipper does not meet the packaging standards for a particular commodity, the carrier will do everything in its power to prove it's not responsible.



PIECE COUNT

If you ship something that is short a piece, but you only listed the number of pallets, you could be out of luck. Since there was no documentation of the pieces you're missing, proving a loss becomes more difficult.

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