- Third Edition 2019 -

ProClaim

ProClaim Is The Official Newsletter Of Cargo Claim Professionals

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CCPAC
CERTIFIED CLAIMS PROFESSIONAL ACCREDITATION COUNCIL, INC.

Congratulations to Our Newest CCP's

Three candidates passed the CCP Annual Fall Exam held on the first Saturday of November each year.

CCP
BOARD CERTIFIED

These 3 individuals join the 14 others who took the CCP Primer Class & Exam in the Spring to complete the Class of 2019.

A Message From Our President

Hello CCPAC Family,

The Holiday Season is upon us, and we know that you will be wishing for that special gift this year. We just wanted to say "Thank You" for your special gift of membership and support to our wonderful CCPAC family. May this Holiday Season find you happy and healthy and eagerly looking toward 2020. Remember that your success is our success.

Best Regards.

David Nordt CCP.
CCPAC Council President

Claims Liability Q & A Forum:

Time Limits to Initiate Law Suits

Motor Carriage: Is not subject to Federal regulation, general statues of limitation in the jurisdiction in which the suit is filed is govern unless the parties have agreed otherwise. It is the nature of the individual shipment in question that determines if the carriage is or is not subject to regulation (and hence to the two-years and one day limit on filing suit); if it is not subject to regulatory jurisdiction, it is irrelevant that the carrier may also provide regulated transportation. Many motor carriers employ standard form bills of lading, which specify this time period and are thus contractually binding on the parties for both regulated and unregulated service.

Railroads: Federally regulated motor carriers and freight forwarders, at least two years and a day following the date of declination must be allowed.

International Air Carriage: The Warsaw Convention also provides a two-year time limit, but measured from the arrival of the shipment at the destination airport

COGSA: For Suing a water carrier the time limit is one year from the date of delivery of the shipment, or if delivery wasn't made, expected delivery.

KNOW YOUR LEGAL TERMS:

Contract:

An agreement between two or more people that creates an obligation to do or not to do a particular thing.

Plaintiff:

A person or business that files a formal complaint with the court.

Statute of Limitations:

The time within which a lawsuit must be filed, or a criminal prosecution begun. The deadline can vary, depending on the type of civil case or the crime charged.

Statute:

A law passed by a legislature.

If you have a claims question that you would like to see answered please send an email to robyn.connelly@syfancorp.com

Member SPOT-LIGHT

Wally Dammann, CCP

Wally is the Assistant Vice President & National Recovery Manager at Mitsui Sumitomo Marine Management U.S.A., New York. He is also the Administrator of the Transportation Arbitration Board (TAB) and has been involved as a carrier or shipper cargo claims since 1986, having served both carrier and shippers. From 1986 through 1999, Wally was the Director of Cargo Claims at Rutgers Express and Streichler Trucking. From 1999 through 2005, he served as the Cargo Claims Manager for Panasonic Electronics. Prior to his career in cargo claims, Wally worked for Zim Container Service and Maher Terminals as a Terminal Superintendent in Elizabeth, NJ. In 2003, Wally retired from the US Army reserves, after 23 years of service, with his last position being Marine Cargo Operations NCO. He received a Bachelor of Science in Transportation and Logistics from St. John's University in 1994 and is presently seeking his master's degree from St. John's College of Insurance. Wally served as CCPAC Council President and was recently awarded a Life Member Award at the 41st Annual CCPAC Conference in Orlando, FL, March 23, 2015.

2019 Update: After 13 years with Mitsui Sumitomo Insurance Wally has retired or as he calls it "semi-retired". We all wish you the best of luck Wally!

Including Reference Numbers in Claim Communication

All too often I see communication from shippers and claimants without reference numbers indicating which shipment and/or freight claim for which they're providing information or asking about. People sometimes assume the other party knows which shipment they're referring to when sending information about the damage to someone else, especially folks who don't deal with claims regularly or people who don't typically deal with any claims other than their own. It's easy for them to be in that mindset and not realize that claim examiners and cargo claim professionals deal with numerous claims day in and day out, and the reference numbers are what helps them to distinguish one claim from another. There are numerous shipments moving throughout the country and multiple freight claims are being filed and reviewed for settlement consideration every day. Without a specific reference number tying the document or image to a specific shipment, it's virtually impossible to accurately process the information and/or add it to the appropriate claim file.

When an examiner is reviewing a claim filing for settlement consideration, having all of the information in one location helps them process the claim filing in a more timely fashion and including the appropriate reference numbers *(i.e. carrier pro numbers, bill of lading numbers, PO #'s, etc.*) in our communication (i.e. emails) with one another is the only way to help facilitate the organization and centralization of the data pertinent to each individual claim file. Communication with generic inferences, such as "Damaged Shipment to Bobs Grocery Store" or "Damaged Order for Joe Smith" is not good practice and only impedes the review and processing of a claim filing.

It's important for anyone involved with the processing of a freight claim to include specific reference numbers indicating the exact shipments and claims being referenced in all communication with all parties involved with the claim in question. Providing reference numbers helps speed the processing of the claim and helps to ensure everyone is on the same page.

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Earn CCPAC CE's

You Can Earn CCPAC Continuing Education (CE) Points by authoring and submitting articles on cargo claim related material that is published in the *ProClaim* Newsletter. CCPAC CE's are a valuable asset to have whether you are accumulating points to attend the CCP Exam Primer Class, or points needed sit for the CCP Exam or if you are already a CCP, you will need to earn 30 CE's every three years to maintain your Certification.

"CCPAC is a wonderful community to be a part of and a great asset to have"
Robyn Connelly, CCP

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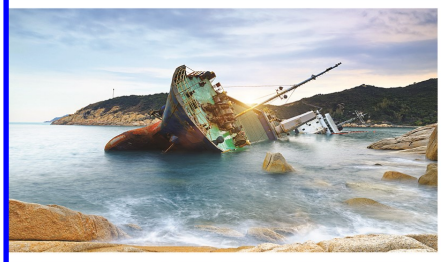

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Freight Claim Filing & FOB Terms

Submitted by Neal Willis, CCP

Shippers often seek to determine the responsibility of freight claim filing based on either the payment of the freight charges or the FOB (Free on Board) terms of the purchase. FOB terms are too commonly thrown around and don't mean much when the terms of a purchasing agreement supersede FOB terms.
If there are no specifics mentioned in the purchase agreement, then the FOB terms could be a good indicator as to who should file a claim with the freight carrier. It's usually left up to the parties involved to decide on who will file the claim with the carrier, but anyone can file a claim.
FOB terms indicate which party bears responsibility of compensating the carrier for the freight charges and at what point ownership of the commodity passes from the seller/shipper to the receiver/buyer. Simply stated, FOB terms indicate the point at which liability and risk of a shipment is passed from the shipper/seller to the receiver/buyer. The four most common FOB terms are: 1) F.O.B. Origin, Freight Collect, 2) F.O.B. Origin, Freight Prepaid, 3) F.O.B. Destination, Freight Collect, and 4) F.O.B. Destination, Freight Prepaid.

F.O.B. Origin, Freight Collect:
"FOB Origin" means that the buyer takes ownership of the item(s) and assumes the risks of transportation the minute that the freight carrier picks up the item(s) and signs the bill of lading at origin. "Freight Collect" means that the buyer accepts responsibility of paying the freight charges. Under this term, the buyer will usually file for a claim in the event of damage or loss, since they are the party paying the freight charges and took ownership of the product at origin the moment the carrier accepted the shipment.

F.O.B. Origin, Freight Prepaid:
"FOB Origin" means that the buyer accepts ownership of the item(s) and all the risks of transportation the minute the freight carrier picks up the goods and signs the bill of lading at origin. "Freight Prepaid" means that the seller consents to the responsibility of paying for the freight charges. Under these terms, the seller pays the carrier for the freight charges while the buyer assumes the risks of transportation. Sellers often file the claims under these terms, even though the buyer is technically responsible for the risks of transportation.
Industry guidelines dictate that freight carriers must reimburse the payor of the freight charges (seller), unless there's an agreement in writing stating otherwise. Because the seller pays the freight charges directly to the freight carrier, if the buyer were to file the claim and was seeking reimbursement for any portion of the freight charges, then the buyer would have to pursue recovery of the freight charges from the seller and they would have to pursue remedy for the damage(s) from the carrier.
Keep in mind that sellers sometimes markup their cost of freight to buyer on their invoice to the buyer for the product plus the cost of freight. To keep things less complicated and, when applicable to keep the buyer from finding out what the actual freight costs were, the seller will file the claim and handle reimbursement for damage with the buyer.

F.O.B. Destination, Freight Collect:
"FOB Destination" means that the seller retains title and control of the item(s) until they are delivered. The seller normally chooses the carrier and assumes the responsibility of the risk of transportation. "Freight collect" means that the buyer is responsible for the freight charges. Sometimes the buyer files the claim, since the buyer pays for the freight. Sellers also sometimes file the claims under these terms, especially in cases where there's loss involved. If the commodity is lost in transit, the seller is in the best position to reasonably prove the value of the commodity at the time of the shipment, and they are uniquely positioned to prove the commodity was shipped.

F.O.B. Destination, Freight Prepaid:

FOB Destination" means that the seller maintains ownership of the item(s) until a claim-free delivery is made. "Freight prepaid" means that the seller is responsible for all freight charges. Under these terms, the seller normally files the claims with the carrier.

Your're Invited !

David Nordt, CCP—CCPAC Council President Invites You To Attend and Participate in CCPAC's 39th Annual Membership Meeting In Orlando, FL on Monday afternoon, April 27, 2020

Pictured below are CCPAC Officers Attending the 2019 Annual Membership Meeting that was held in Memphis.

Appearing Left to Right, Dona Vidal, CCP, Cindy

Carey, CCP, David Nordt, CCP, John O'Dell, CCP, Mary Warrick, CCP & Wally C. Dammann, CCP

? MEMBER SURVEY INQUIRY ?

Would You Be Interested In CCPAC Logo Apparel ?

If CCPAC Logo Apparel T-Shirts and Golf Polo Shirts Were Available Would You Support the Council By Purchasing And Wearing CCPAC Logo T-Shirts or Golf Polo Shirts?

Please email responses to robyn.connelly@syfancorp.com

Mark Your Calendar Now

Plan To Attend the 2 1/2 Day Cargo Claim Conference in Orlando, FL!

We Hope to See You at the

T&LC's 46th Annual Conference

The Conference will be held at the Double-Tree Hotel Hilton at Orlando SeaWorld April 27 -29, 2020.

Register On-Line at www.tlcouncil.org

Discounted Hotel Rooms will be available until April 3, 2020 or until room block is sold out.

Please contact Diane Smid if you have any questions: diane@transportlaw.com

CERTIFIED CLAIMS PROFESSIONAL ACCREDITATION COUNCIL, INC.

HQ Update

By John O'Dell, Executive Director

Members Keep Up To Date On Social Media

Jacksonville, Florida. . . . . .

The Certified Claims Professional Accreditation Council (CCPAC) is pleased to announce member pages on various social media sites such as Facebook, Facebook Groups, LinkedIn and LinkedIn Groups and Twitter as well as our main website. Many thanks to our Council President, David Nordt, CCP and Robyn Connelly, CCP our Vice President Membership & ProClaim Editor who were instrumental in designing and creating the media sites. We invite you to stay current with your Council events and news by visiting our various media sites daily.

FaceBook: https//www.facebook.com/certified-claims-professional-accreditation-council-inc-

FaceBook Blog: https://www.facebook.com/

LinkedIn Group: www.linkedin.com/groups/4883719/

Twitter: twitter.com/ccpac_1

Website https://www.ccpac.com

CCPAC conducted a CCP Primer Class and two CCP Exam date opportunities in 2019. The CCP Exam Primer Class was March 24, 2019, in Memphis preceding the start of the Annual Claim Conference. The Spring CCP Exam was held on Wednesday afternoon, March 27, 2019, following the closing ceremony of the conference.

The CCP Annual Fall Exam was the annual fall exam was held on Saturday morning November 2, 2019, in most major cities across the United States and Canada. Registration for the Spring CCP Exam Primer Class and CCP Exam both in Orlando, FL in April, 2020, is now available on the Council's website www.ccpac.com in the center of the Home Page under CCPAC Headline News.

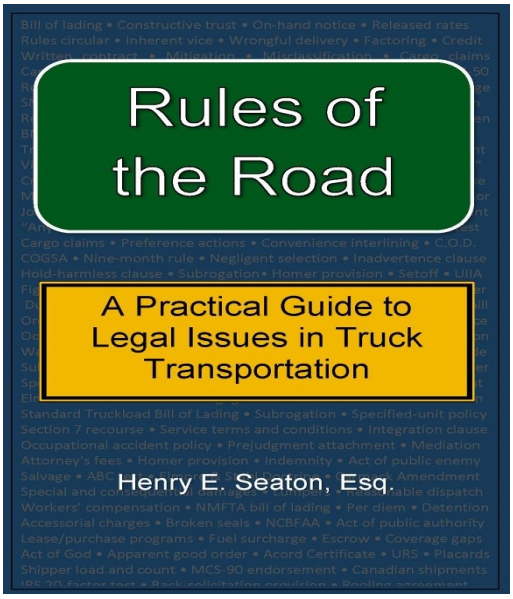
Congratulations to the 17 candidates who successfully passed the CCP Exam in 2019:

Bruce M. Ashbaugh, CCP from HP, Inc., Boise, ID,
Michael Boylan, CCP from Echo Global Logistics, Chicago, IL
Brian Brueggeman, CCP from Hub Group, St. Louis, MO;
Paul Diaz, CCP from Burris Logistics, Elkton, MD;
Joe Ketterman, CCP ** from H & M Bay, Inc., Federalsburg, MD;
Christine Kurtz, CCP from Genpact, Chicago, IL;
Adam Litrell, CCP from Mars PetCare, Franklin, TN;
Tessy Merrick, CCP from LinQ Trnsport, Bedford, TX;
Holly O'Brien, CCP from Armstrong Transport Group, Charlotte, NC
Sandy Prieto, CCP from ABF Freight System, Inc., Fort Smith, AR;
Madison Rapp, CCP ** from Diversified Transfer & Storage, Billings, MT;
Jessica A. Renner, CCP from Jarrett Logistics Systems, Orrville, OH;
Nancy Ritter, CCP from Odyssey Logistics, Charlotte, NC;
Rebecca Savino, CCP from Trinity Logistics, Seaford, DE;
Rebecca Shores, CCP from ABF Freight Systems, Inc., Fort Smith, AR;
Joel D. Spence, CCP from Glen Raven Logistics, Altamahaw, NC
Wojtek Wiak, CCP

**** Denotes 2-tied For Having Achieved Highest Score on This Exam**

Only those individuals who successfully pass the CCP Exam, meet the on-going continuing education requirements and renew their annual membership and pay dues may use the "CCP" credential.

CCPAC Book Store



Henry "Hank" Seaton, Esquire and Long term contributor and member of CCPAC published a book that will prove to be beneficial addition to your library. This text features more than 300 pages of tips and information for brokers and carriers. Purchase it at the CCPAC Book Store Now.

- **Freight contracts (Bills of lading, service terms and conditions, and written contracts of carriage)**
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A Blast From The Past, Do You Remember When?

The photo above depicts a scale model of a tractor and trailer from Consolidated Freightways, Inc. *"CF"* The company was founded in 1929. The company was founded by Leland James a 36 year old entrepreneur in Portland, Oregon. Leland was not satisfied with tractors and trailers being offered on the open market so he created Freightliner Corporation and setout to manufacturer his own design trucks. Mr. James remained Chairman of the company well into the early 1950's. In 1955 Jack Snead becomes President, relocates the Corporate office from Portland, OR to Menlo Park, CA and leads the company on an aggressive growth pattern that resulted in acquisition of 53 of its competitors. Company also purchased several manufacturing companies and consolidated revenues nearly doubled during Sneads tenure. Five years later, Snead was replaced by William White be undertook the task of consolidating all of the companies beginning in 1960. CF was a pioneer in creating piggy back rail service as it grew to a nationwide company. In 1988 Larry Scott was promoted to President leading the company to purchase Emery Air Freight, Purolator and Transcold and in 1998 began offering freight service to Canada and Mexico. By 1990 the company was facing heavy debt and losing $1m per day. During the same period, Chemical Bank called in a $900 million loan which the company defaulted. Donald Moffit was appointed President by then Chairman of the Board Ray O'Brien. In part of its turn around strategy the Menlo Park offices were sold and the Corporate offices relocated to Vancouver, WA. 1997 was Redwood Systems formed to provide logistics management services. Deregulation and heavy discounting industry wide resulted in additional losses. The company lost more than $125 million from 1992 through 1996. **In late 1996, the parent company elected to spin off CF MotorFreight and four other long-haul subsidiaries as Consolidated Freightways Corporation. The "old" Consolidated Freightways, Inc.--which retained its Con-Way Transportation Services, Emery Worldwide, and Menlo Logistics operations--was renamed CNF Transportation. The two companies began operating independently on December 3, 1996.** -End If you have high resolution industry related photos you would like to share with the group, email them in a jpeg format to director@ccpac.com

SHIPPER TAB Arbitrators Needed.

If you are a Certified Claims Professional (CCP) and employed by a shipper /manufacturer and are interested in becoming a Carrier or Shipper Arbitrator please contact: the TAB Administrator:

Wally Dammann, CCP
Email: wallycd3@gmail.com

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The Transportation Arbitration Board (TAB)

A completely autonomous non-profit corporation designed by its creators to swiftly, fairly, amicable and is an inexpensive way to settle controversial freight claims between shippers and receivers on one hand and freight carriers on the other. The current fee to have a case arbitrated is $150.00 for each party.

The procedure is open to any party and membership in CCPAC, TLP&SA or T&LC is not required for arbitration. The procedure is simple; whenever a claimant and a carrier agree between themselves that their differences should be settled by a third unbiased and impartial party, they merely execute the legally binding TAB Arbitration Agreement. The Administrator acknowledges the receipt of the agreement and fees and assigns a case number.

Upon receipt of the files, the Administrator verifies compliance with TAB procedures, and then selects a team of arbitrators to consider the case. One carrier arbitrator and one shipper arbitrator is selected. The two arbitrators examine the file and confer with each other to determine and agree upon a unanimous decision. The decision is submitted to the Administrator in written form by one of the arbitrators. TAB retains the working file copies and a copy of the decision and returns the original file to the claimant and sends a copy of the decision to each party. Compliance with the decision is required within 60 days.

The decision will have the same force as a court decision. In the event the team of arbitrators cannot reach a unanimous decision, they must return the working files to the Administrator, who will then select a second arbitrator team and follow the same procedure. The administrator will also notify the claimant and the carrier of the reassignment. If the second team is also unable to reach a unanimous decision the original file will be returned to the claimant and the Administrator will advise both parties that a decision cannot be reached by TAB and the only recourse left to them must be private compromise or litigation in a court of law.

The formal arbitration agreement form, fees and instructions for compiling a brief can be found at tlcouncil.org/tab.

For additional information contact Wally Dammann, CCP, Tab Administrator, Email wallycd3@gmail.com

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☑ Place a check mark below to indicate the one membership type that you are selecting to join or renew membership as:

[ ] **Associate Member** (basic membership, not yet certified) Non-Voting member - $75 membership dues annually.
[ ] Renewing **CCP or HCCP** Member (NOTE: You must already be Certified "CCP" or "HCCP" as "HCCP" qualification enrollment is no longer open) both positions are Voting Members - $75 membership dues annually.
[ ] **Professional Member** Open only to an attorney-at-law practicing transportation law—$150 membership dues Annually. Honorary Professional Member—Non-Voting.
[ ] **Corporate Sponsor** Membership – A Corporate Sponsor is a company, law firm or professional firm whose employees, Agents or associates are engaged in the handling, administration, collections and/or settlement of cargo loss prevention, law, subrogation and/or cargo security or provides consultation or other professional services to Such firms engaged in same. Membership includes corporate logo link posted to the CCPAC website and covers the annual membership dues of the Company ($450) and its members and agents performing or providing such related work or services whether the employee or agent is a CCP, HCCP or an Associate Member up to 10 members. Each member over ten will be accessed a reduced annual dues of $37.50 each and will be added to the cost of the basic Corporate Membership rate. Only those members who are CCP's or HCCP's of the Corporate Sponsor are voting members, all others are non-voting - $450 dues annually for basic membership (includes up to 10 members).
[ ] **Co-Sponsor Organization** – A Co-Sponsor Organization is an association, fraternal organization or educational institution that provides programs that contribute to or otherwise enhance the goals of CCPAC. Membership also includes your organizations logo link to the CCPAC website. Only CCP's & HCCP's of the Co-Sponsoring Organization are voting members, all others are non-voting) - $500 membership dues annually or a one-time lump-sum payment of $2,000.00.

FIRST NAME	MI	LAST NAME	BIRTH DATE [MM/DD/YYYY]

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