

ProClaim

ProClaim is the official newsletter of cargo claim professionals nationwide.

★ Jessica Renner, CCP—Jarrett Logistics—Editor



**CERTIFIED CLAIMS PROFESSIONAL
ACCREDITATION COUNCIL, INC.**

Inside This Edition

The next CCP Primer Class and CCP Exam will be held at the Francis Marion Hotel in downtown Charleston, SC on March 17 (Primer) and 20 (Exam). Read more about this inside this edition.

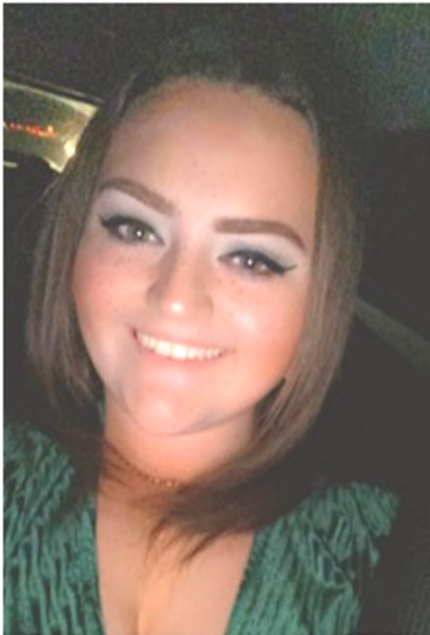
CCPAC forms a special Committee of Officers and Board Members to present round two of Freight Claims: Back to the Basics at the 50th annual T&LC conference on March 18th in Charleston, SC.

See updates from our Executive Director, Dave Nordt, and our President, Carrie Frisbie inside.

CCPAC has two new board members: Hannah Sosbee and Tony Bennett

MEET OUR NEWEST BOARD MEMBERS

Hannah Sosebee – Region 8 Director



Hannah Sosebee is currently a Claims Specialist with Syfan Logistics. She joined the Syfan team in May of 2022. She started her career as a Claims Administrative assistant. After two months of hard work and taking over trailer claims, she was promoted to Claims Specialist. She has shared her knowledge by training two other employees in processing trailer damage claims. As a team member, she is always willing to lend a helping hand. With determination and long hours, she took on the challenge of continuing her education in claims and insurance. Perseverance paid off, and Hannah passed the GA Insurance Adjusters Exam and obtained her Insurance Adjuster's license.

Earlier this year, Hannah had the opportunity to travel to San Diego, CA, with her manager Robyn Connelly to attend her 1st claims conference. While there, she took and passed the exam to become a Certified Claims Professional with the organization CCPAC. Hannah now works alongside Robyn and Tiffany in the Claims department. Together they process Cargo, property, and trailer damage claims. She enjoys the problem-solving aspect and learns new things every day.

These past two years have brought many opportunities for Hannah. She was fortunate to buy her first home that she shares with her 4-year-old son Jaxon. When not with her Syfan family, she enjoys spending time with her friends, swimming, relaxing, and experiencing new adventures.

She enjoys coming to work every day and is excited about the company's growth, along with her professional and personal development with Syfan Logistics.

Tony Bennett – Region 4 Director



Tony has served the logistics industry for over 40 years since his graduation from the University of Tennessee ('83), earning a BS degree in Marketing and Transportation Logistics. He began his transportation career as a Rate Clerk with a regional LTL Motor Carrier and for the past 34 years has served with Kenco, a Third-Party Logistics Provider having facilities all over North America. He started there as a Logistics Analyst, moving up the ranks to Manager over Motor Carrier Compliance and Loss and Damage Claims for all provider clients. These clients include the Consumer Packaged Goods/Retail, Food and Beverage, Industrial/Durable Consumer Products, and Life Science sectors.

In June of 2023, Tony earned his certification as a Certified Claims Professional (CCP) and serves on the Board of Certified Claims Professional Accreditation Council, Inc. as their Region 4 Director. As a CCP, he oversees and manages the complex details pertaining to all aspects of the Cargo Claims process. In addition to CCP responsibilities, Tony also serves with the Transportation Arbitration Board (TAB). He just completed writing his first TAB case decision in August 2023.

Tony's responsibilities at Kenco include, but are not limited to managing all aspects of Client Cargo Claims from first knowledge to final resolution, creation of Client specific claim reports and presentations, the writing of legal documents on behalf of Clients, the writing of SOP's concerning the Kenco Compliance process, and oversight of Motor Carrier Compliance with Kenco Brokerage. Tony earned a Lean Six Sigma Green Belt in 2015 by reducing Kenco's Brokerage liability exposure by over \$50,000.00 annually.

Tony is actively involved in limiting Kenco's exposure to liability through Property Broker and Motor Carrier fraud that is rampant in the trucking industry. One of Kenco's founding principles is, "Integrity above profitability." Adherence to this principle is what drives Tony to protect Kenco to the best of his ability from double-brokering scams and fraud in both Compliance and Cargo Claims.

Message from the Executive Director of CCPAAC.
David Nordt CCPAC.



Greetings and happy holidays,

As we say farewell to 2023, let us reflect on the growth and changes that have advanced our organization forward in a positive and productive direction during the year. To begin with, we have succeeded at building one of the strongest CCPAC Board of Directors to date. There could not be a more talented, cohesive group of professionals. In addition, we have brainstormed designs for a new CCPAC Website that will offer both a Primer Course, as well as a CCPAC Exam on the same online website.

Looking ahead in this new year 2024, there is great excitement as we make preparations for our Annual Conference, held collaboratively with the Transportation & Logistics Council. TLC will be celebrating their 50th Annual Conference this year. What a wonderful milestone for such a first-class organization! The Conference will be held at the Francis Marion Hotel in Charleston, SC, from March 17-20, 2024. Some of the highlights are as follows: Sunday, March 17, 2024, CCPAC will host an all day Primer Class, Monday, March 18, 2024, CCPAC will present a workshop entitled *Back to Basics in Freight Claims*, followed by the CCPAC Annual Board Meeting at 5:15pm, and Wednesday, March 20, 2024, the CCPAC Exam will be administered on site.

I encourage you to visit these websites for more information, www.ccpac.com, www.tlcouncil.org. Also, a reminder that it is time for payment of your CCPAC dues of \$125 for 2024. Your attention in this matter is appreciated, as these funds allow our organization to prosper.

I would be remiss if I did not thank John O'Dell, our former Executive Director of CCPAC, Council Founding Member, Past President, Historian, and Advisory Consultant, for helping to give life to CCPAC many years ago, and continuing to sustain CCPAC with unending support. John, you are valued and appreciated. Finally, thank you to our CCPAC Board of Directors for your incredible contributions, and for being the best at what you do. You are an amazing team!

From my home to yours, I wish you all a happy holiday season, and a healthy and prosperous 2024.



Happy Holidays!

First, I wanted to extend a huge THANK YOU to our Board of Directors! They are all volunteers and CCPAC grows by their contribution, professionalism and knowledge. I am incredibly grateful and inspired by all of your hard work and participation. We have a lot of work and changes ahead of us but enjoy working with all of you. If you have interest in joining our AMAZING team of Board of Directors and are a CCP, please reach out to Dave Nordt, Wally Dammann or myself to find out more!

Second, I wish to thank John O'Dell for running this organization for so many successful years! Anyone who knows me well probably knows my origin story of starting with the organization. It starts with John O'Dell approaching me at a conference and this single interaction opened my eyes to a world within my career that I had previously not known, even after working cargo claims for 5 years. I started studying for my test the day I got back, inspired to learn the background of this "claims processing". I saved the company over \$60,000 in that first week. The knowledge and understanding took on a completely new level and it changed the entire trajectory of my career. I am eternally grateful to John and CCPAC for that opportunity to grow into who I am today. While John is still transitioning out of his role, his leadership, knowledge, and kindness will always be remembered.

Also, I wish to extend gratitude and congratulations to Dave Nordt. I've had the pleasure of knowing Dave for over 11 years now. While I studied for my exam in Florida at the TLC Conference, I first met Dave in the café while speaking with John. Dave was always a huge proponent of CCPAC and gave me many words of encouragement in a very tense time and I have always remembered his advice that day. Stepping into his new role, his ideas and excitement for the future of CCPAC are contagious and I am thrilled to see where we go from here! Congratulations to him again on becoming the Executive Director!

Finally, I want to wish you and your family a holiday season filled with joy! We look forward to seeing everyone in March during the Transportation and Logistic Council's 50th Conference! Don't forget to attend the CCPAC board meeting Monday, March 18th after the last session.

Sincerely,

Carrie Frisbie, CCP

CCPAC President

CODE OF FEDERAL REGULATIONS

49 CFR Part 370 – A Look at a Basic Foundation for Claims Handling

When Congress passes laws, those laws are then written and cataloged, or codified, for everyone's reference. The codification of these laws, or rules, is known as The Code of Federal Regulations which we abbreviate in reference as CFR. We can access information in CFR whenever we want to study the rule or enforce the rule. Or we may have made an educated decision about a particular course of action we believe should be taken and wish to use codified laws in support of that decision.

The section of CFR that pertains to the federal rules for claims handling is 49 CFR Part 370. Each claim presents its own unique fact set which determines the approach a claims professional may take in handling the claim. It's likely the entities involved and the events that gave rise to the issue determine which liability regime is applicable to the claim. But among the elements that should be considered in the handling of claims, we can look to the guidelines in 49 CFR Part 370 for the process to use for " . . . each motor carrier, water carrier, and freight forwarder . . . subject to 49 USC subtitle IV Part B". This includes the carriers conducting interstate commerce within the United States.

49 CFR Part 370 consists of odd numbered sections 1 through 11, denoted as 49 CFR 370.1, 49 CFR 370.3, 49 CFR 370.5 and so on. These sections address the steps to follow to file, acknowledge, investigate a claim, and process the salvage of cargo. This article looks at the information that can be useful to claimants.

49 CFR 370.3 is noteworthy for containing the minimum requirements for a valid and correct claim:

- Facts sufficient to identify the shipment,
- The assertion of liability for the loss,
- A claim of a determinable amount.

You may believe you've filed your claim by submitting your documents to the carrier in a timely manner. But you may find your claim time barred if the claim you have submitted to the carrier lacks one of these elements. Be sure your claim is not only submitted within the prescribed time window but that it also contains the three items listed above.

Each trained claim professional knows to reference CFR 49 370.5 and CFR 49 370.9 to find the dates by which certain claim handling milestones should be completed. CFR 49 370.5 contains the date by which a claim should be acknowledged to the claimant by the carrier. CFR 49 370.9 outlines the time window for claim disposition by providing the time frame in which the carrier needs to make continuing status updates to the claimant. CFR 370.9 states that a carrier shall ". . . pay, decline, or make a firm compromise settlement offer . . . within 120 days after receipt of the claim . . .". But this may not always occur. Thus, this section can be of assistance when the claim is not swiftly settled. The claimant that is aware of the timelines in these two sections can set schedules for follow-up. Would consistently following up in accord with these timelines allow the claimant to be sure their claim is being actively worked by the carrier? It seems like a good opportunity to engage the carrier, especially for claims that are lingering. Perhaps suggestions of settlement options by the claimant would help the carrier when the claim seems to be at an impasse. As a claimant, both sections can support you in taking an active role in moving your claim toward resolution and payment.

CFR 49 370.7 speaks to the investigation of claims and codifies a best practice – the prompt investigation of claims. This section also references supporting documents that can be used to confirm the costs being claimed. A noteworthy element of this section is its reference requiring the claimant to establish the destination value. This point may prove helpful in negotiating with a carrier

CONTINUED FROM PAGE 6

that seeks to pay a claim based on an amount less than the value of the cargo at its intended destination, such as a production cost or replacement cost.

And finally, CFR 49 370.11 outlines expectations within this regulation for handling the salvage of product that is rejected or undelivered. 370.11 lays the regulatory framework that allows the carrier to sell or dispose of property that remains in their possession after the degree of notice prescribed by the regulation has been given to the cargo owners. All parties to a claim have a duty to mitigate loss so as a cargo owner, your prompt response to notice of product on hand is critical in limiting damages and costs. As a shipper it's beneficial to be aware of 370.11. For if faced with a lack of response to requests for information about product disposition, the carrier that follows the steps in 370.11 can point to this regulatory guidance in supporting their course of action when disposing of or salvaging product.

Surely other details need to be considered and those will vary based on the events giving rise to the claim. Yet knowledge of this very basic set of claims handling guidelines can aid the claimant and the carrier in reaching claim settlement timely and fairly.



PRINCIPLES AND PRACTICES FOR THE INVESTIGATION AND VOLUNTARY DISPOSITION OF LOSS AND DAMAGE CLAIMS AND PROCESSING SALVAGE

The latest NMFC/FCDC Packaging Updates – Effective as of December 4th, 2023

Non-Hazardous Liquids shipped in Fiberboard IBCs with inner plastic film bags or liners must abide by the new following specifications:

Base: IBCs must be secured to a lift truck skid, pallet or platform base of sufficient design, size and strength to ensure weight of IBC does not cause any failure of structural components. See Item 265.

Fiberboard Container must be six-sided or octagonally shaped with a top cap and bottom tray made of triplewall corrugated fiberboard. Container must be of sufficient size and strength to support and contain the capacity and weight of the inner plastic film bag or liner and its contents during transportation.

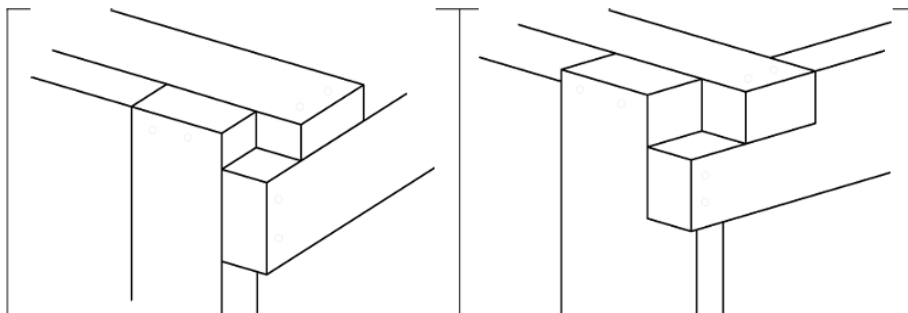
Inner Plastic Film Bag or Liner must have appropriate mil thickness or number of plies, in addition to having sufficient outage, to fully contain contents and prevent any leakage or seepage during transport.

Securement and Unitization: Fiberboard container must not overhang the lift truck skid, pallet or platform deck and must be secured to the lift truck skid, pallet or platform by strapping in opposing directions, with at least two straps in each direction.

Markings: Container must be placarded with precautionary warning labels on two outside opposite vertical panels in a prominent manner by either printing or by application of a pressure-sensitive label, differing in color from any other container printing. Label must be of horizontal rectangular 4 x 7 inch dimensions containing a bold border within which are printed the words 'LIQUID' in bold letters of 1 1/2 inches in height with 'CONTENTS' printed below in letters of 1/2 inch in height.

Gross weight of the container and contents not to exceed **4,000 lbs.**

Item 245 (Crates) is updated to provide clearer construction requirements for standard wood crates, requirements for metal crates, and updated specifications for wirebound crates. Part of the construction requirements are that the wood crates must have three-way locking corners, where members will be joined with nails, bolts or screws driven into side grain or joining members. Examples below.



Is Shipper's Interest Insurance Worth it?

Bing-Syin (Benson) Ye, CCP, CPCU, AMIM

"Mr. A had Logistics B move their household goods from Houston to their new home in San Jose. Logistics B delivered the furniture in a damaged condition. Mr. A filed a claim against Logistics B for \$90,000. Logistics B's liability limitation was \$0.60/lb. As such, Logistics B sent a settlement check to Mr. A for \$60 based on the furniture's total weight of 100 lb. Mr. A was unhappy with the settlement and posted multiple bad reviews about Logistics B on social media sites."

The above scenario happens all too often. Shippers tend to avoid any possible hassles associated with transporting goods and use overly simple paperwork or procedures, neglecting to review their terms and conditions or acquire adequate insurance. As a result, whenever there is loss and/or damage to goods in transit, a shipper has limited options to recover their financial interests.

According to USDOT's 2022 Freight and Logistics Supply Chain Assessment, the demand for freight will grow by about 40 percent by 2045. As the population and economy continue to grow, the demand for goods and freight transportation and the protection of shipper's interests are increasing. One of the options to provide protection is "Shipper's Interest Insurance."

What is Shipper's Interest Insurance?

Shipper's Interest Insurance covers loss of or damage to goods shipped by the carrier.

This insurance is an optional coverage that the carrier offers to their customers. The shipper does not take out insurance from the insurance company directly. Instead, the shipper purchases the insurance through the carrier as an add-on service attached to the carrier's insurance program with the carrier's insurance company.

The policyholder is still the carrier. The shipper is the assured or beneficiary on the additional-issued insurance certificate who will directly receive payment from the insurance company.

Characteristics of Shipper's Interest Insurance

- (1) Coverage for Physical Loss or Damage: Shipper's Interest Insurance covers physical loss or damage to goods from any external cause during transportation.
- (2) Various Modes of Transport: This insurance can apply to various modes of transportation, including shipping by sea, air, road, rail, or a combination of these.
- (3) Worldwide Coverage: This policy provides coverage for shipments from anywhere in the world to anywhere throughout the entire voyage, from the moment the goods leave the shipper's premises until they reach the consignee's facilities.

(4) Open Perils/All-Risk: This policy usually provides a broad range of coverage against all kinds of perils/risks. If the policy does not specifically exclude a peril, it is considered as included within the coverage.

(5) Valuation Methods: This policy typically offers multiple valuation methods for determining the insured value of the goods. Common methods include invoice value, actual cash value, plus freight and insurance uplift, if any.

(6) Deductibles and Limit: This policy may include a deductible (the portion of the loss that the insured must bear) and policy limit (the maximum amount the insurer can pay).

(7) Specific Policy: This policy covers a single shipment.

(8) Subrogation Rights: After the insurance company pays a claim, the insurer will have the right to subrogate against the liable parties for compensation. However, since the insurance is procured through the carrier's insurance program, a waiver of subrogation clause that restricts the insurer from pursuing subrogation against the carrier (who sells the insurance to the shipper) is not uncommon.

Shipper's Perspective: Pros and Cons

Pros: This kind of insurance is timesaving and offers comprehensive protection. The shipper does not need to shop for cargo insurance; they can buy insurance through the carrier when booking the transport. In the event of loss or damage, the shipper can receive full indemnity from the insurance company to recover their financial interests instead of getting compensation from the carrier, which is based on the liability limitation that is likely low and insufficient to cover the shipper's loss/damage.

Cons: This kind of insurance does not always meet the shippers' needs, and the premium rate is a bit more expensive. Since the carrier's insurance company provides this insurance, it is not a customizable policy tailored to suit the shipper's unique cargo, routes, and risk. Insurance premiums can be higher because the risk is not thoroughly underwritten by the insurer, or the carrier might add a markup to cover the handling fee.

Carrier's Perspective: Pros and Cons

Pros: Providing Shipper's Interest Insurance builds the carrier's portfolio and reputation. A carrier becomes a "one-stop hub" for shipping and insurance. While successfully achieving this, a carrier will build a reputation among the customers (shippers). Its portfolio will grow.

Cons: Extra administrative tasks and additional training are needed. A carrier usually becomes a middle person between its insurance company and its customer (shipper) and should manage the

Proper training for the carrier's employees to provide them with basic insurance knowledge is required to support the carrier's insurance services to the shipper.

Conclusion

With the growth of businesses in today's competitive environment, the logistics and transportation industries require comprehensive insurance solutions. Shipper's Interest Insurance provides a business growth opportunity for carriers. Not only does this insurance protect the shipper from financial loss, but it also protects the carrier from losing the trust of its customers. This can be a win-win situation.

Concerning pros and cons for both the shipper and carrier, it is hard to say whether taking out or providing Shipper's Interest Insurance is the best option. It really depends on the interested party's needs and the balance they wish to strike between cost and risk tolerance. An enterprise or company as a shipper might want to negotiate with the insurance company to obtain better coverage or price so they will not take out this insurance. However, for individuals, it might be a convenient and economical way to take out insurance as a value-added service attached to the logistics services rendered by the carrier.



When Are Freight Charges Recoverable Through the Claims Process

- If it is **prepaid**, then it needs to be listed on the shipper's invoice to the consignee as a separate line item. If it is not a separate line item on the seller's invoice, then it is seen to be embedded into the mark up of the product. So, in this case, if the carrier refunds the invoice amount, it is assumed that the freight is included in the markup and the shipper is getting back both product and freight costs.
- If the shipment is inbound **collect**, it does not need to be listed as the separate line item because the buyer/consignee is the payer of the freight so they should get it reimbursed in the claim.
- **Third party** shipments are treated most of the time as prepaid. Freight will need to be listed as a separate line item on the seller's invoice to their customer.
- For **inter-company transfers**, it shouldn't matter because the same company is both the shipper, consignee, and payer of the freight.
- Replacements most of the time are considered the cost of doing business and are not recoverable. Sometimes if the replacement goes out on the same carrier, the carrier will refund those rather than just the pro-rated freight on the original shipment (if only a portion of the shipment is damaged). However, the same rules apply about prepaid, collect and third-party shipments.
- If the shipment was **accepted in** and **repaired/reworked**, etc. then the carrier deserves to be paid and the original charges are not recoverable. If replacement parts need to be shipped to complete mitigation, then those freight costs are recoverable.
- Normally freight charges associated with the mitigation process are recoverable.

Remember it this way, the carrier is to make the claimant whole again and put them in the same place as they would have been if no loss or damage had occurred. So, whatever the seller expected to get back from their customer is what the carrier should be liable to refund.



WEAR THE BRAND NOW

CCP and CCPAC Branded Tee Shirts and Polo Shirts are now available on our website www.ccpac.com Currently available in Navy or Black color shirts.



Certified Claims Professional Accreditation Council

Established in 1981, CCPAC is a nonprofit organization that seeks to raise the professional standards of individuals who specialize in the administration and negotiation of freight claims.

Specifically, it seeks to give recognition to those who have acquired the necessary degree of experience, education and expertise in domestic and international freight claims to warrant acknowledgment of their professional stature. While CCPAC promotes certification, it is not required for Associate Membership.

TESTIMONIAL FROM A RECENT CCPAC ASSOCIATE MEMBER

CCPAC is AWESOME! Such a great tool for us newbies to claims – THANKS AGAIN

Transportation Arbitration Board

**“THANK YOU FOR YOUR HARD WORK AND DEDICATION. YOU ARE AN
IMPORTANT PART OF THE TEAM”**

Thank you, Wally C. Dammann, CCP TAB Administrator

**The Transportation Arbitration Board would like to thank the below listed cargo
claim professionals for volunteering their time, talent and professionalism in han-
dling numerous cargo claim arbitrations during the 2022 – 2023 arbitration re-
quest period:**

**Carla Bay Rumford, CCP - BM2 Freight Services
Tony Bennett, CCP – Kenco Group
Nadia Martin, CCP – Blakeman Transport
Jacob Schrader, CCP - Henkel
Wendy Meuse, CCP – Odyssey Logistics
Brian Brueggeman, CCP - HUB Group
David Nordt, CCP – Gilbert Company
Ana Cardona, CCP - XPO Logistics
Thomas Perrin, CCP – Sysco
Robyn F. Connelly, CCP- Syfan Corp.
Madison Rapp, CCP – Capitol Logistics
Jason Edgar, CCP – Uber Freight
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Mariah Finch, CCP – XPO Logistics
Jessica Renner, CCP – Jarrett
Carrie Frisbie, CCP – Seko Logistics
Ingi Torfason, CCP – Clearlane Freight
Laura Garrison, CCP – Uber Freight
Amy Unger, CCP – Total Quality Logistics
Donnie Graevell, CCP – Odyssey Logistics
Mary Warrick, CCP – General Logistics Systems US
Christine Gramse, CCP – Land O Lakes
David Widger, CCP – BNSF Logistics
Ashley Grosch, CCP – Overdrive Logistics
Tamera Henry, CCP – Uber Freight
Benson Ye, CCP – MSMM (USA) Inc.
Tamara LaTorre, CCP – Transportation Compliance
Karen McCaulley – Uber Freight
Carrie Mercie – Int’l Crop Insurance
Tessy Merrick – Linq Transport**

CCPAC would like to thank TAB for their very generous donation. THANK YOU!!

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