



## CLAIMS GUIDE

We regret that you may on occasion have to file a claim for damaged or lost product. Every effort will be made to process your claim in a fair expeditious manner in accordance to the Carmack Amendment to the Interstate Commission Act, which is found at Title 49 of the United States Code, Section 14706. Our Claims Analysts are Certified Claims Professionals, CCP.

### WHAT IS A CLAIM?

A claim is a written statement

1. Identifying a specific shipment, and a description of any loss or damage pertaining to the shipment
2. Requesting a specific sum of money; and
3. Giving a reason(s) why Clear Lane Freight Systems should be held liable.

### CLAIMS FORMS

Claims forms may be obtained from Clear Lane Freight Systems web site, click on the claims tab and select claims forms, or call customer service.

### WHEN AND WHERE TO FILE A CLAIM

Claims should be filed promptly once loss or damage is discovered. The time limits for filing are as following:

- Nine (9) months from the day of delivery or, in the event of non-delivery
- Nine (9) months after a reasonable time for delivery has elapsed (usually two weeks)

If a claim is not received by carrier or a suit not filed within the time limit, payment is barred by law.

Submit your claim by:

Email at [claims@clearlanefreight.com](mailto:claims@clearlanefreight.com)

Fax at (317) 759-8347

Or by mail at the below address:

Clear Lane Freight Systems  
Claims Department  
6100 N Keystone Ave – Suite 448  
Indianapolis, IN 46220

### WHO SHOULD FILE THE CLAIM

A claim may be filed by the shipper, consignee, or owner of the goods. Be sure to clearly indicate on the claim form the name and complete address of the claimant. Include a telephone number, fax number and e-mail address (if available) to assist in prompt conclusion of the claim.

## CLAIM CHECKLIST

Prior to submitting your claim, please ensure it includes the following information:

- a. The claim must be in writing and specifies a dollar amount, reason for the claim (loss or damage), pro number and date of shipment, claimant name and address. Do not submit more than one claim on each claim form.
- b. The claim must be filed within nine (9) months from the date of delivery or in the event of non-delivery, within nine (9) months after a reasonable time for delivery has elapsed.
- c. The following documents should be included when filing a claim:
  - Bill of Lading
  - Verification of paid freight charges
  - Complete original invoice, showing all discounts
  - Repair invoice (if applicable)
  - Inspection report (if applicable)

## DOCUMENTS

### BILL OF LADING

The original Bill of lading serves as evidence of the receipt, as well as the kind, quantity, and apparent condition of the goods.

### PAID FREIGHT BILL

Include the original paid freight bill or a signed statement verifying freight charges have been paid in full on the shipment against which the claim has been filed. For a claim to be concluded, all freight charges must be paid.

### ORIGINAL INVOICE

A complete original invoice verifying the claimed amount and does not exceed the terms of sale (value of good at destination). The original invoice must disclose all discounts and allowances if any. A clear photocopy of the complete original invoice is acceptable.

### REPAIR INVOICE (if applicable)

When submitting a repair invoice, include a breakdown of hours, labor rate, and materials

### INSPECTION REPORT (if applicable)

## CONCEALED LOSS OR DAMAGE

A clear delivery receipt is evidence of a delivery in good condition. Loss or damage to contents of a shipping container which could not have been noted at time of delivery is considered concealed loss/ damage. In order for this type of a claim to be considered, the claimant must provide conclusive evidence that the damage or shortage occurred while the shipment was in the possession of the carrier. When the damage to contents of a shipping container is discovered by the consignee that could not have been determined at time of delivery, it must be reported by the shipper or consignee to Clear Lane Freight Systems within five (5) days of delivery; a request for inspection should be made at that time. All merchandise must be maintained in the original shipping container, in the same condition it was in when the loss or damage was discovered.

## LIMITED LIABILITY

See Clear Lane's Rules Tariff CLNI 100 regarding limited liability rules.

## **INSPECTION BY CLEAR LANE FREIGHT SYSTEMS**

Inspection of damaged shipments may be required by contacting Clear Lane Freight Systems. Inspection by Clear Lane will be made promptly and, normally within five (5) working days after receipt of request. Inspector will check contents of package against invoice, weigh the shipping container and contents, or conduct additional investigation to establish a loss has occurred. In either case the inspection will be limited to a factual report. A written report of Clear Lane's findings will be made in duplicate with copy of the report going to the consignee.

## **BURDENS OF PROOF**

The claimants must establish three things:

1. The carrier received the freight in good condition at origin
2. The freight was short or damaged when received at destination
3. The dollar amount of loss or damage

## **ABOUT PAYING THE FREIGHT BILL**

Payment of freight charges may not be delayed due to alleged loss or damage. Charges should be paid in full and the portion applicable to lost or damaged item included in the freight claim

The following are important points to remember

- Claims and freight charges are two entirely different transactions
- Surface Transportation Board regulations prohibit withholding payment of freight charges due to a pending claim (Administrative Ruling No. 128).
- Without payment of freight charges the transportation contract has not been completed. A valid claim must not be paid until freight charges are paid.

## **SALVAGE RETENTION**

Salvage must be retained until the claim is resolved, or until the claimant gives disposition to the carrier. (See item 300150 of the N.M.F.C.)

## **IF THE CLAIM IS DECLINED**

If the claimant has additional information, a rebuttal letter should be sent to the Claims Analyst that declined your claim. The rebuttal letter should clearly indicate why the claimant believes the claim payment should be reconsidered and include any evidence or documentation not previously submitted. Always refer to the assigned claim number when corresponding with the Claims Analyst.

## **CLAIM STATUS**

The majority of claims are concluded within (45) forty-five calendar days. If a claim has not been paid or declined within (10) ten calendar days from the date of receipt in the Clear Lane's claims office, the claimant will receive a letter of acknowledgement containing the assigned file claim number. If a claim is not concluded within one hundred and twenty (120) calendar days, notification will be sent to the claimant advising the status of the investigation. Further notices will be sent every sixty (60) days thereafter until the claim has been brought to conclusion.

To check on a status of a claim contact Clear Lane's Claims Department