



## Claims Guidelines

We sincerely regret that there has arisen a need for you to file a claim for damage or lost product. We strive to make sure that the claim process is conducted in a fair, timely manner in accordance with not only with the Carmack Amendment (Title 49 USC, §14706), but also the NMFTA.

### What is a claim?

A Freight claim is a legal demand by a shipper or consignee to a carrier for financial reimbursement for a loss or damage of a shipment. Freight claims are also known as shipping claims, cargo claims, transportation claims, or loss and damage claims. You must:

1. Identify a specific shipment, and any loss or damage pertaining to that shipment
2. Request a specific amount of money
3. Provide a reason why the carrier is liable

### When and where should you file a claim?

Claims should be filed promptly once loss or damage is discovered. The time limit for filing a loss or damage claim is nine months from the date of delivery, or in the event of non-delivery, within nine months after a reasonable time for delivery has elapsed. Claims can be sent to R2 Logistics via fax – (904)394-4692, email – [claims@r2logistics.com](mailto:claims@r2logistics.com) / [ltlclaims@r2logistics.com](mailto:ltlclaims@r2logistics.com), or mailed to:

R2 Logistics, Inc.

ATTN: Claims Department

7643 Gate Parkway, Suite 104 PMB 150

Jacksonville, FL 32256

### Concealed loss or damage on LTL shipments

The NMFTA governs that concealed loss or damage that was not noted at the time of delivery be reported within five (5) business days from the date of delivery. All merchandise should be kept in the original packaging, in the same condition as when the loss was first discovered. Failure to retain the damaged material could result in declination of your claim.

## A claimant may be....

1. The shipper
2. The Consignee
3. The owner of the claimed goods

The name, complete address, phone number, and email address should be clearly indicated on the claim form.

## Required Documents for Claim Submission

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

1. The claim must be in writing and specify a dollar amount
2. Include the order number
3. File the claim within (9) months from the date of delivery
4. Include the following
  - ✓ Bill of Lading
  - ✓ Complete *Original* invoice
  - ✓ [R2 Logistics Claim Form](#)
  - ✓ The weight of the claimed material is a *requirement* for all LTL claims
  - ✓ Repair Invoice (if applicable), repairs should be broken down as follows:
    - I. Hours worked
    - II. Labor rate per hour
    - III. Number of workers
    - IV. Materials
  - ✓ If part of your claim involves a restack/labor fee, please include:
    - I. Number of workers
    - II. Labor rate per hour
    - III. Hours worked
  - ✓ Inspection report (If applicable)

## Disposition of damaged freight

All damaged items, including the packaging the items were shipped in, should be retained until the claim reaches resolution.

## Claim Mitigation

Carrier liability, under the law, is limited to the actual measure of damage. It is the responsibility of the claimant to **mitigate the claim to the lowest possible level**. This may be accomplished by one of the following manners:

- ✓ Having the item repaired
- ✓ Sold at a discount
- ✓ Obtaining return authorization from the supplier for inspection and credit.

## Burdens of Proof

The claimant 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.

## 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.

Things to remember:

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

## 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 claims analyst.

## Claim Status

It is important to remember that R2 Logistics strives to investigate and reach resolution on all claims in an efficient manner. Please note that, unless otherwise agreed upon in a contract, the FMCSA claim regulations (Title 49 USC, Subtitle B, Ch. 3, Sub Ch. B, Part 370, §370.9) require a carrier to acknowledge receipt of a claim within 30 days, the carrier must then pay, offer to compromise or disallow the claim within 120 days or provide status reports every 60 days thereafter.

If you would like an update on the status of a previously filed claim, please email [claims@r2logistics.com](mailto:claims@r2logistics.com) or call (904)394-4678.