



**U.S. Department of
Transportation**

Office of the Secretary
of Transportation

ORDER

DOT 2770.9A

8/1/83

Subject: EMPLOYEE CLAIMS MANUAL

1. PURPOSE. This order establishes Department of Transportation policies and procedures pertaining to the processing of claims of Departmental personnel for loss or damage to personal property incident to service with the Government.
2. CANCELLATION. DOT 2770.9, EMPLOYEE CLAIMS FOR PERSONAL PROPERTY LOST OR DAMAGED INCIDENT TO SERVICE WITH THE DEPARTMENT OF TRANSPORTATION - MANUAL, of 3-26-75.
3. REFERENCE. 31 United States Code 3721 (originally, the Military Personnel and Civilian Employees Claims Act of 1964).
4. SUPPLEMENTATION. This Manual may be supplemented provided the supplementation is not inconsistent with the provisions herein.

DISTRIBUTION: All Secretarial Offices
All Operating Administrations

OPI: Office of
Financial
Management

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CHAPTER 1. GENERAL

1. PURPOSE. This Manual establishes procedures and guidelines for employee claims for personal property lost or damaged incident to service with the Department. It also prescribes requirements and procedures for investigating such claims.
2. APPLICABILITY.
 - a. This Manual covers employee claims up to \$25,000 for personal property loss or damage incident to service with the Department as provided by 31 United States Code 3721, Military Personnel and Civilian Employees' Claims Act. (Claims covered by the Federal Tort Claims Act are not allowable under this Manual.) As used in this Manual, the word "employee" includes U.S. Coast Guard military personnel. Allowable claims may be submitted by any employee, the authorized agent or legal representative of an employee, or survivors of an employee in the following order:
 - (1) Spouse;
 - (2) Child or children;
 - (3) Father or mother, or both; and
 - (4) Brothers or sisters, or both.
 - b. The insurer's or other subrogee's rights cannot be substituted for the rights of an employee or his survivors under the law.
3. RESPONSIBILITIES.
 - a. The Office of the Secretary and the Operating Administrations are responsible for implementing the procedures in this Manual.
 - b. The Office of the Secretary and the Operating Administrations will provide for appointment of claims investigators and will develop necessary procedures to enable a thorough investigation and verification of each claim made. The investigation of a claim shall be considered an action distinct from and subsequent to investigative and related actions taken upon initial receipt of a report of loss or damage. This, however, does not preclude the use of the same Department investigative element if appropriate.
4. DELEGATION OF AUTHORITY. The authority to settle and pay claims is granted to the Assistant Secretary for Administration (for the Office of the Secretary) and Heads of Operating Administrations under the Department of Transportation Organization Manual, DOT 1100.60, of 3-7-79. Authority may be redelegated to office directors, regional directors, district commanders or other comparable levels and to those individuals that report to the above officials. Further redelegation is not authorized.

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5. FORMS. A claim will be submitted on DOT F 2700.6, Employee Claim for Loss or Damage to Personal Property, (Appendix 1) as discussed in Chapter 2. Payment of the claim will be made on DOT F 2700.5, Voucher for Payment Under Military and Civilian Employees Claims Act, (Appendix 2) as provided in Chapter 3. Appendix 3 provides a sample of the type of information required by employees when submitting a claim against a carrier for loss or damage to property. The sample is not intended as a Departmental form and none will be prescribed for this purpose.

CHAPTER 2. CLAIMS

1. ALLOWABLE CLAIMS. The approving official will decide whether or not a claim is allowable based on the facts in the claim investigator's report and on the recommendation of legal counsel when appropriate. Before approving a claim, the official will use the criteria in this Manual to determine if a claim is reasonable and whether the loss or damage was incurred incident to the employee's service.
 - a. General. No compensation shall be paid for loss or damage to personal property unless, considering the place and circumstances, an individual could reasonably be expected to have such property in his possession.
 - b. Losses in Quarters or Other Authorized Places. Losses which occur in the quarters of the employee or other authorized place when on official business are compensable only if the quarters are provided by the Government or are located outside the 50 States and the District of Columbia, see 31 USC 3721(e).
 - c. Storage Losses. Where losses occur at any warehouse, office, baggage holding area, or other place authorized for receiving or storing property, storage of the personal property lost or damaged must have been authorized by the Department, and the claimant must have complied with regulations concerning storage at that place in order for the loss to be compensable.
 - d. Travel and Transportation Losses. Compensable losses incurred in transit in connection with official temporary duty and permanent change of station travel include losses of unaccompanied baggage or household goods, losses of personal property accompanying the employee, and losses or damage to other authorized items (e.g., items required for the performance of an assignment). Losses incurred while property was stored at a commercial facility for the personal convenience of the claimant at his expense pursuant to an authorized move are not compensable. See decision of the Comptroller General, B-153031, 1-28-64, concerning commuted rate household goods shipments.
 - e. Theft Losses. Theft losses are not compensable when the claimant did not use reasonable care in protecting the property.
 - f. Clothing and Articles Being Worn. When clothing and articles being worn are lost, damaged or destroyed under circumstances incident to service, a claim is allowable provided such loss resulted from an unusual occurrence; i.e., beyond the risk of usual daily activity.

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- g. Motor Vehicles. Claims for loss or damage to motor vehicles incident to oversea shipments authorized by the Government will ordinarily be allowed. Meritorious claims for loss or damage may be submitted in some instances when a vehicle is used in connection with official business, see 60 Comp. Gen. 633 for additional guidance.
2. NONALLOWABLE CLAIMS. Claims otherwise considered allowable within the scope of this Manual are NOT allowable when the damage or loss of personal property incident to Department service involves any of the following:
- a. Business Property. Any article used, or for use, in a private business enterprise.
- b. Money. Claims for loss of money may be allowable under the following conditions.
- (1) When deposited with personnel authorized to receive funds for the purpose of safekeeping or transmittal provided an appropriate security container is used which is dedicated to the storage of funds and is under the exclusive control of the authorized recipient.
 - (2) When lost incident to an accident, fire or natural disaster.
 - (3) When stolen from quarters provided the claimant had exercised due care.
- As used herein, money includes cash and negotiable instruments but excludes any liability incurred by the loss of personal credit cards.
- c. Negligence of Claimant. Damage or loss of personal property caused in whole or part by negligence or wrongful act on the part of the claimant or his agent or his employee. For the purpose of this Manual, negligence is defined as failure to exercise that degree of care which a reasonable and prudent person would have exercised under the same or similar circumstances. Damage or loss to portions of personal property denied because of the negligence of the claimant will not act to bar claims for damage or loss to other portions of the same property which are allowable under paragraph 1 of this Chapter.
- d. Violation of Directives. Items which were acquired, possessed, or transported in violation of pertinent directives and regulations. This subparagraph does not prohibit payment of claims for losses to shipments to the extent that those shipments exceeded maximum weight entitlements.
- e. Personal Effects. Personal property, including items to be used in lieu of or in addition to Government-furnished equipment, which is brought into Government offices or other authorized place at the discretion of the employee.

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3. LIMITATION. The total amount of a claim filed by an employee arising from a single incident may not be settled for more than \$25,000. Claims arising prior to July 28, 1982 may not be settled for more than \$15,000.
4. CLAIMS ARISING IN FOREIGN AREAS BECAUSE OF HOSTILE ACTS. Claims for loss or damage to personal property in a foreign country may be paid up to \$40,000 if the loss or damage
 - a. was incident to an evacuation of United States personnel in response to political unrest or hostile acts or
 - b. resulted from acts of mob violence, terrorist attacks, or other hostile acts directed against the United States Government or its personnel.

Upon payment of a claim, the United States becomes subrogated to the claimant's rights against the foreign country in which the loss or damage occurred. Additionally, funds may be obligated or expended under this authority (31 USC 3721(c)) only to the extent they are specifically provided for in appropriation acts.

5. FILING OF CLAIMS.

- a. General. All claims coming within the scope of this Manual should be submitted to the designated office. The law provides that a claim must be submitted within two years after it accrues unless war or armed conflict intervenes, in which case if good cause is shown, the claim may be presented not later than two years after the cause ceases to exist, or two years after the war or armed conflict is terminated, whichever is earlier. For filing claims for loss or damage to property shipped under a Government Bill of Lading, see Chapter 3.
- b. Evidence to be Submitted by Claimant. DOT F 2700.6, Employee Claim for Loss or Damage to Personal Property, (Appendix 1) shall be submitted in an original and one copy for all claims coming within the scope of this Manual. In addition to DOT F 2700.6, the following supporting evidence shall be submitted when applicable.
 - (1) Itemized bill for repair of damaged property.
 - (2) Evidence that the employee has filed a claim with the carrier.
 - (3) A statement concerning any insurance coverage and reimbursement obtained from the insurer. The statement should describe the type of insurance and coverage, give the name of the insurer and include the amount of reimbursement received for each item.
 - (4) Bill of lading where goods are lost or damaged in transit including all shipping/receiving documents evidencing the condition of the claimed items.

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- (5) At least one written estimate of the cost of repairs from a competent bidder or person if the property is repairable but has not been repaired. "Competent bidder or person" means one who has experience in the line of needed repairs and is in a position to know the cost of repair of such items in the current market. (The cost of preparing the estimate is reimbursable in accordance with this Manual.) Exceptions to the above are permissible when in the opinion of the claim investigator the probable estimate fee will be out of proportion to the cost of repair. In this situation, the claim investigator, with the concurrence of the claimant, will recommend an amount for payment. The approving official may reject any estimate or statement of the cost of repairs that does not meet the above standards. The claimant shall satisfy the claim investigator that items claimed as beyond economical repair are in fact in that condition by submitting evidence received from a competent person.
- c. Submission of DOT F 2700.6, Employee Claim for Loss or Damage to Personal Property. Claimant shall submit DOT F 2700.6 to the claim investigator designated by each Operating Administration in accordance with Chapter 1. Claimants within the Office of the Secretary should forward claims to the Office of Administrative Operations, M-40, for review and investigation prior to ultimate settlement by the Assistant Secretary for Administration.

CHAPTER 3. PROCESSING CLAIMS

1. FACTORS APPLIED IN PROCESSING CLAIMS.

- a. Cost or Value. In most cases the value of the loss or damage incurred should be predicated upon the replacement cost at the time of the incident. Replacement cost should be computed on the basis of the cost of a new item less the appropriate percentage of depreciation so as to compensate for the age and length of time the item has been in use. This rule is designed to reflect changes in the purchasing power of the dollar which have taken place since the item was originally purchased. The amount of settlement will be determined by applying the applicable rates of depreciation to the replacement cost of property lost or damaged beyond economical repair, and by approving the cost of repairs when an item is economically repairable, provided the cost of repairs does not exceed the depreciated value of the item.
- b. Depreciation. Depreciation in the value of an item will be determined by considering the type of article involved, its cost, condition when lost or damaged beyond economical repair, and the time elapsed between the date of acquisition and the date of accrual of the claim.* To help assure uniformity in applying rates of depreciation, the standard guide for use within the Department will be the Joint Military/Industry Depreciation Guide available from the American Movers Conference, P.O. Box 2303, Arlington, Virginia 22202. This guide is generally available at most agencies' transportation offices, local offices of carriers and regional offices of the General Services Administration. ~~Other similar standard guides may be used in exceptional circumstances.~~

*Date of accrual of the claim is generally the date of the incident causing the loss or damage. In some instances, such as with stored household goods, this date may be the date the claimant (1) should have discovered the loss or damage through the exercise of due diligence or (2) was officially notified of the loss or damage.

- c. Special Allowance for Locations Outside the 48 Contiguous States. An additional amount, not in excess of 25 percent of the depreciated value of the property, may be allowed by the designated official to compensate employees stationed outside the contiguous 48 States for loss or damage to their personal property. This is to offset the additional costs of repairs or replacement that may be encountered by employees at such locations. The determination by the designated official as to the additional amount allowable, if any, will be final. The basis for the determination to allow an additional amount should be fully explained in the claim file.

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2. CLAIMS AGAINST CARRIER OR INSURER.

a. Carrier Claims.

- (1) Whenever property shipped under the commuted rate system is lost, damaged, or destroyed while being shipped pursuant to authorized travel orders, the employee must file a written claim for reimbursement with the carrier according to the terms of the commercial bill of lading or contract. This demand should be made against the last commercial carrier known or believed to have handled the goods, unless the carrier who was in possession of the property when the damage or loss occurred is known. In this event, the demand should be made against the last carrier on each such document.
- (2) If it is apparent that the damage or loss is attributable to packing, storage, or unpacking while in the custody of the Government, no demand need be made against the carrier. Damage or loss attributable to the Government generally occurs only when employees are being moved from or to remote locations.
- (3) When shipment is authorized at actual expense by Government bill of lading, claims for loss or damage to property can frequently be resolved through direct contact between the employee and the carrier or its insurer. The servicing transportation office will assist the employee if necessary or will handle the claim entirely with the assistance of the employee. The employee must provide the transportation officer with sufficient supporting evidence to permit filing a claim against the carrier. This may require that the employee provide an estimate of the cost of repair or replacement of property damaged or lost.

b. Insurer Claims. Whenever property is damaged, lost or destroyed and is insured in whole or in part, the employee must make a demand in writing for reimbursement under the terms and conditions of the insurance coverage. Such demand should be made within the time limit established in the policy and prior to filing a concurrent claim, if any, against the Government. See paragraph 8.

c. Demand on Carrier or Insurer. It is suggested that such demands be made in substantially the format as indicated in Appendix 3.

d. Replacement in Kind. Replacement in kind is allowable in lieu of a cash settlement for claims by U.S. Coast Guard personnel in accordance with the Coast Guard Claims Manual.

3. CONCURRENT CLAIMS AGAINST THE CARRIER, THE INSURER, AND THE GOVERNMENT.

Generally claims against the Government will not be paid until claims against carriers or insurers have been settled. However, in situations where settlement of a claim against a carrier and/or insurer will be prolonged so as to impose a hardship upon the employee, a claim may be presented to the Government without waiting for the disposition of the claim against the carrier or insurer. Payment of the claim is subject to the following conditions:

- a. The employee must furnish the claim investigator with a copy of all documents relating to the claim (insurance policies, etc.) together with a signed statement waiving the right to reimbursement from the carrier or insurer.
- b. The employee shall notify the carrier or insurer to forward copies of all correspondence related to the claim to the claim investigator.
- c. The claim against the Government will be paid in an amount approved by the settlement authority under the provisions of this Manual.
- d. The accounting office will establish an account receivable for the amount of the claim against the carrier or insurer. Proceeds received as a result of payment of the claim by the carrier or insurer will be credited as an appropriation refund against the appropriation from which payment to the employee was originally made.
- e. In the event the amount of the claim from the carrier or insurer exceeds the amount previously paid to the employee by the Department, the excess will be refunded to the employee.

4. PREPARATION OF CLAIM INVESTIGATOR REPORTS.

- a. Form for Claim Investigator Reports. The claim investigator will complete the appropriate section of DOT F 2700.6, Employee Claim for Loss or Damage to Personal Property.
- b. Investigation. The claim investigator will consider all information and evidence submitted with the claim and conduct such investigation as may be necessary, including securing testimony from witnesses.
- c. Claims Arising Out of the Same Incident. A separate report will be prepared on each claim. However, with several separate claims, the claim investigator may avoid duplication of effort by completing the detailed report of investigation with all necessary exhibits and documents which are common to the group in one claim and incorporating by reference the report with supporting exhibits in the other claims arising out of the same incident. A brief summary of facts relating to the common incident should be included in these latter claims, as well as reference to the claim in which the detailed report and exhibits may be found.

5. ACTION BY LEGAL COUNSEL. Normally claims will be handled by the claim investigator, and review by the legal counsel is optional. However, if there is a question of legality, complex claims will be reviewed by the legal counsel who will make a recommendation as to whether the recommendations of the investigator are supported by the evidence available and whether the allowance of the claim would be in compliance with the Military Personnel and Civilian Employees' Claims Act (31 USC 3721).

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6. ACTION BY DESIGNATED OFFICIALS. If the legal counsel recommends payment of the claim, the designated official shall approve or disapprove it for payment, and if approved, will initiate DOT F 2700.5, Voucher for Payment Under Military and Civilian Employees' Claims Act (Appendix 2).
7. PAYMENT OF CLAIM. Following certification by the claimant and approval by the settlement authority, the claim and all supporting documentation will be forwarded to the servicing accounting office.
8. FAILURE TO MAKE DEMAND ON CARRIER OR INSURER. Failure to make a demand on a carrier or insurer or to make all reasonable efforts to collect the amount recoverable may result in reducing the amount recoverable from the Government by the maximum amount which would have been recoverable had the claim been timely and diligently processed.
9. RECOVERY OF LOST ITEMS. In the event a lost item for which a claim has been paid is subsequently recovered, the employee must notify the settlement authority and may be required to refund that portion of the reimbursement to the Government.

FOR THE SECRETARY OF TRANSPORTATION



Robert L. Fairman
Assistant Secretary for
Administration

DEPARTMENT OF TRANSPORTATION EMPLOYEE CLAIM FOR LOSS OR DAMAGE TO PERSONAL PROPERTY				
SECTION A - CLAIMANT IDENTIFICATION				
1. NAME AND ADDRESS OF CLAIMANT		2. TITLE AND GRADE		3. TELEPHONE NO.
		4. OFFICE OR SERVICE		5. LOCATION (City and state)
6. LOCATION WHERE LOSS OR DAMAGE OCCURRED			7. DATE OF LOSS OR DAMAGE	8. TOTAL AMT. CLAIMED \$
SECTION B - DESCRIPTION OF PROPERTY				
ITEMIZED LISTING <small>(Attach supplemental sheet, if necessary)</small>	DATE ACQUIRED	PURCHASE PRICE OR VALUE	VALUE WHEN LOST OR DAMAGED	TO BE COMPLETED BY INVESTIGATOR
				DEPRECIATED VALUE
9. CLAIM IS FOR (Check one) <input type="checkbox"/> LOSS (Includes theft) <input type="checkbox"/> DAMAGE		10. BRIEF STATEMENT OF CIRCUMSTANCES		
11A. WAS PROPERTY INSURED? <input type="checkbox"/> NO <input type="checkbox"/> YES (If "YES," complete 11B and 11C)		12A. WAS PROPERTY IN POSSESSION OF COMMON CARRIER AT TIME OF LOSS <input type="checkbox"/> NO <input type="checkbox"/> YES (If "YES," complete 12B and 12C)		
B. NAME OF INSURER		B. HAS CLAIM BEEN MADE <input type="checkbox"/> NO <input type="checkbox"/> YES		
C. AMOUNT COLLECTED (Attach itemized listing)		C. DISPOSITION OF CLAIM		
CERTIFICATION —I make this claim with full knowledge of the penalties for willfully making a false claim and certify that I am entitled to any payments.				
13. DATE		14. IF CLAIMANT IS NOT OWNER, STATE RELATION- SHIP		15. SIGNATURE OF CLAIMANT
CRIMINAL PENALTY FOR PRESENTING A FRAUDULENT CLAIM OR MAKING FALSE STATEMENT: Fine of not more than \$10,000 or imprisonment for not more than 5 years or both (18 U.S.C. 287, 1001)				
SECTION C - (To Be Completed By Designated Investigator)				
16. NAME OF INVESTIGATOR		17. TITLE AND GRADE		18. TELEPHONE NO.
19. OFFICE OR SERVICE		20. LOCATION (City and State)		
21. VERIFICATION OF FACTS/DISCREPANCIES				
22. REMARKS AND RECOMMENDATIONS				
23. DATE		24. SIGNATURE OF INVESTIGATOR		
SECTION D - APPROVAL				
25. PAYMENT IS APPROVED IN THE AMOUNT OF \$ _____		26. DATE		27. SIGNATURE OF APPROVING OFFICIAL

Form Approved By The Comptroller General, U.S. December 7, 1967		DEPARTMENT OF TRANSPORTATION		SCHEDULE NO.
VOUCHER FOR PAYMENT UNDER MILITARY AND CIVILIAN EMPLOYEES CLAIMS ACT (PL 88-558)				VOUCHER NO.
NAME OF CLAIMANT				CLAIM NO.
MAILING ADDRESS				PAID BY
AMOUNT OF AWARD, COMPROMISE, OR SETTLEMENT				
\$				
BRIEF DESCRIPTION OF CLAIM (See attachments for further explanation in detail)				
<div style="text-align: center;">CLAIMANT'S CERTIFICATE</div> <p>I CERTIFY THAT: the damage, loss, or destruction was not caused in whole or in part by any negligence or wrongful act on the part of the claimant, or his agent or employee; none of the property has been recovered, nor has any of the property been replaced (except as explained on the attached Form DOT F 2700.6); the damage, loss or destruction was not covered by insurance nor reimbursable by common carrier (except as explained on the attached Form DOT F 2700.6); all articles listed on Form DOT F 2700.6 (and on additional sheets made part thereof) have been privately purchased and are not Government property; and no previous claim has been made to the Government for the property for which this claim is made (except as explained on the Form DOT F 2700.6).</p> <p>If any of the property for which claim is made is later recovered, claimant agrees to give notice immediately to the DOT.</p> <p>I make the foregoing claim with full knowledge of the penalties involved for wilfully making a false claim, (U.S. Code, Title 18, Section 287, provides for a maximum fine of \$10,000 or imprisonment for 5 years or both). I, the claimant also accept the within-stated award, compromise, or settlement as final and conclusive on me, and agree that said acceptance constitutes a complete release by me of any claim against the United States and against the employee of the Government whose act or omission gave rise to the claim, by reason of the same subject matter.</p>				
SIGNATURE OF WITNESS TO CLAIMANT'S SIGNATURE		SIGNATURE OF CLAIMANT (or authorized agent)		DATE
This claim has been fully examined in accordance with the provisions of the Military Personnel and Civilian Employees' Claims Act approved August 31, 1964 and is approved in the		Pursuant to the authority vested in me, I CERTIFY that this voucher is correct and proper for payment in the		
AMOUNT OF \$ _____		AMOUNT OF \$ _____		
SIGNATURE OF APPROVING OFFICIAL	DATE	SIGNATURE OF AUTHORIZED CERTIFYING OFFICER	DATE	
TITLE		TITLE		
ACCOUNTING CLASSIFICATION				PAID BY CHECK NO.

SAMPLE		DEMAND ON CARRIER FOR DAMAGE TO OR LOSS OF PROPERTY				SAMPLE	
NAME OF CARRIER			ADDRESS				
CLAIM IS PRESENTED FOR <input type="checkbox"/> LOSS <input type="checkbox"/> DAMAGE IN CONNECTION WITH FOLLOWING SHIPMENT:							
FROM (Consignor)			SHIPMENT LOADED (City, town, post or station)			DATE	
TO (Consignee)			SHIPMENT UNLOADED (City, town, post or station)			DATE	
<input type="checkbox"/> BILL OF LADING <input type="checkbox"/> CONTRACT <input type="checkbox"/> BAGGAGE CHECK			NUMBER OF GOVERNMENT BILL OF LADING			DATE OF B/L	
COVERING SHIPMENT OF <input type="checkbox"/> HOUSEHOLD GOODS <input type="checkbox"/> FOOT LOCKER <input type="checkbox"/> BAGGAGE <input type="checkbox"/> OTHER (Specify)							
ITEMS LOST OR DAMAGED (Continue on reverse, if necessary. Enter TOTAL AMOUNT OF CLAIM in space indicated below)							
INV. ITEM NO.	COMPLETE DESCRIPTION OF ITEM	APPROX. WEIGHT (lbs)	DATE ACQUIRED AND WHERE	NATURE AND EXTENT OF LOSS OR DAMAGE	ORIGINAL COST	AMOUNT NOW CLAIMED	
<input type="checkbox"/> (Check here if list has been completed on reverse)				TOTAL AMOUNT OF CLAIM			
REMARKS							
PLEASE MAIL ALL CORRESPONDENCE IN REGARD TO THIS CLAIM TO:				TOTAL VALUE OF ENTIRE SHIPMENT			
NAME OF CLAIMANT				SIGNATURE OF CLAIMANT			
				DATE			