

# Claims Report

*United States Army Claims Service*

## ***Personnel Claims Note***

### **What Constitutes Timely Notice?**

As long as a household goods or hold baggage carrier provides a servicemember with a DD Form 1840/1840R at delivery, the carrier is entitled to timely notice of all loss or damage occurring in that shipment. To satisfy this requirement, the carrier must receive the notice of loss or damage within seventy-five days of delivery. Usually, the claimant will list the loss and damage on DD Form 1840R, Notice of Loss and Damage, and submit it to the nearest claims office within seventy days of delivery. The claims office then has five days to review this form and dispatch it to the carrier before the end of the seventy-fifth day. The carrier is then obligated to reimburse the government a predetermined portion of the amount paid to the claimant. If the claims office fails to inform the carrier of the loss or damage within the seventy-five-day notice period, the carrier is not required to reimburse the government. If the lack of notice to the carrier is due to a claimant's failure to timely file, the amount that would have been paid by the carrier to the government will usually be deducted by the government from the amount otherwise payable to the claimant.

The requirement to furnish timely notice to the carrier can be satisfied by any document stating that an item has been damaged in shipment, as long as the carrier receives the document

within seventy-five days of delivery. The most commonly used, and easiest to identify, is the DD Form 1840R. But this is not the only method to provide timely notice to the carrier. A copy of DD Form 1841, Government Inspection Report, or a personal letter from the claimant to the carrier may also constitute timely notice.

The United States Army Claims Service (USARCS) recently received a claims file in which a claimant failed to annotate any damaged items on DD Form 1840/1840R. As a result, the field claims office made deductions for lost potential carrier recovery. However, the damaged items were included on the government inspection report (DD Form 1841) that was submitted to the carrier within seventy-five days. The USARCS contacted the carrier and determined that a copy of the inspection report was received within the notice period. As a result, the deductions for lost carrier recovery should not have been made.

If you think that a carrier may have received notice in some form other than DD Form 1840R, before making any deductions for lost carrier recovery, call the carrier and ask for copies of the file. This may prevent the need to process a request for reconsideration. Mr. Fraser and Mr. Licklitter.