

10 Good Reasons to "Come to Claims"

by CPT Yolanda Williams

Editor's Note: Now that most claimants file their claims directly with the carrier, there is no need to visit the local Military Claims Office (MCO), right? A lot of claimants assume this, but nothing could be further from the truth. There are many things the MCO can do to help facilitate filing a claim with a carrier, and there are still a lot of claims that can only be filed with an MCO. Our Claims Judge Advocate identifies 10 good reasons you should "Come to Claims!"



1. We can help make sure that your notice of loss or damage (notification document) is properly dispatched to the carrier in a timely manner. While obvious loss or damage should be noted at the time of delivery on the carrier's "Notification of Loss or Damage at Delivery" form (or DD Form 1840), all additional loss or damage discovered as you unpack must be noted on the carrier's "Notification of Loss or Damage after Delivery" form (or DD Form 1840R) and dispatched to the carrier within 75 days of delivery. Claimants frequently have difficulty dispatching these forms, and carriers routinely deny claims because they did not receive timely notification. If your shipment is with the Defense Personal Property System (DPS), it is imperative that you come see us because the online filing system is not operating properly and many people, some very computer savvy, have not succeeded in completing the notice document filing process and have had their claims denied by the Transportation Service Provider (TSP). Your Military Claims Office (MCO) can assist in the notification process. We can review your notification form to make sure it is properly filled out, and we can make sure the carrier receives it. We fax it to the proper number and mail it to the proper address, and follow up by phone or e-mail to make sure the carrier received it. In so doing, we help preserve your right to file a claim for the loss or damage.

2. We can assist you in entering data into DPS and PClaims, and in getting a waiver when DPS doesn't work as it should. Anytime you experience a computer malfunction when you are uploading or filing documents for your claim, you should "Come to Claims!" Even if you think you have done everything correctly, but are unable to verify its accuracy, come see us! The problem with the current online filing system is that you may not realize or know whether you have accurately filed, uploaded, or submitted your notice documentation or claim with the TSP. **So come see us!** Our staff is trained to identify common issues with claims software, whether you are filing a claim with a carrier through DPS or a claim with the Government using PClaims. We can also assist you in obtaining a waiver of the requirement to use online filing methods under certain circumstances.

3. We can request a copy of the carrier's claims packet for you. If you have difficulty getting a carrier to send you the forms you must fill out to file a Full Replacement Value (FRV) claim, we can intercede on your behalf. Your MCO can track down contact information on the carrier and help persuade the carrier to furnish the requisite forms.

4. We can help you fill out the carrier's claims forms and answer your questions about the claims filing process. We can help you go over the claims forms that you receive from your carrier. While a MCO is not permitted to serve as a mediator between the claimant and carrier, we have extensive experience in the claims business and can help make sure your forms are properly filled out. We can also advise you on how the claims process works, and what your options are as a claimant.

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5. If you are not satisfied with the way the carrier handled your claim, we can help you convert it to a claim with the Government. If you are unhappy with the carrier's adjudication of your claim, or have lost faith in the carrier's willingness to fairly settle the claim, the MCO can assist you in transferring all or part of your claim to the Government. We will settle your claim in a timely, fair, and accurate manner, in accordance our governing claims regulations.

6. If you file a claim with the Government, we have to depreciate, but if we're successful in recovering FRV from the carrier, we will pass the difference on to you. Unfortunately, MCOs do not have the authority to pay FRV. When a claim is filed with the Government, we are required to apply depreciation. However, if you gave timely notice of loss or damage to the carrier, filed your FRV claim with the carrier in a timely manner, and waited for 30 days after filing for your claim to vest with the carrier before transferring your claim to the Government, you can still be paid FRV. If we are successful in recovering FRV from the carrier, the difference will be forwarded to you. So, while you may not be able to obtain FRV right away, you may receive it "at the end of the day."

7. If you miss the deadline for filing a claim with the carrier, we can help you file a claim with the Government, as long as you do so within two years of delivery. Claimants often miss the deadline to file their claim with the carrier. Many assume that because they gave timely notice that also means they filed their claim. Providing notification of loss or damage and filing a claim are two separate and distinct procedures. Providing notification merely puts the carrier on notice that you intend for file a claim. Claims against the carrier for FRV must be filed within 9 months of delivery. If you miss that deadline, all may not be lost. If you gave timely notice to the carrier and it has been less than two years since you took delivery, you can still file your claim with the Government. It pays to "Come to Claims!"

8. If you suffer damage or loss from theft, fire, flooding, hail, vandalism, or some other unusual occurrence, we can help you file an incident-to-service claim, after you settle with your insurer.

Not all claims involve shipment of household goods or vehicles. The Personnel Claims Act also allows us to compensate claimants for a wide variety of events that occur incident to their service. If your bicycle is stolen, if your property suffers smoke damage from a fire, if your basement storage room floods, or if your car suffers damage from a hail storm or vandalism while parked on post or at your quarters, we can help you file a claim with the Government. If you have insurance that covers the damage or loss, you must first file with your insurer, but that does not preclude you from filing with the Government for whatever your insurer does not cover. We will walk you through the procedures for filing your claim and assist you in entering the data into PClaims.



9. If you suffer personal injury or damage to your personal property because of negligence on the part of the Government, we can help you file a tort claim. The Military Claims Act allows us to compensate claimants for loss or damage due to negligence on the part of the Government and its employees. Our office handles more tort claims than any other MCO in USAREUR. Come see the experts!

10. If you suffer damage from an AAFES car wash, MWR Auto Skills Shop, or other NAFI, we can assist you in filing a claim. Our office also has extensive experience in handling what we call "Chapter 12" claims, in which the claimant suffers loss or damage due to the negligence of a non-appropriated fund instrumentality (NAFI) such as an AAFES car wash or a MWR Auto Skills Shop. We can assist you in filing this type of claim. We then investigate and adjudicate the claim, and, if we determine it is payable, we settle the claim with you and turn it over to the NAFI for payment. It's one more reason to "Come to Claims!"

The Kaiserslautern Claims Office is the place to go for claims help! Visit us in Rooms 109 & 110 of the Kaiserslautern Legal Services Center, or call us at DSN 483-8414/8862 or Civilian 0631-411-8414/8862.