

German Moving Company H.T.O. Declares Bankruptcy — Claims Service Reacts

by CPT Jerrod Fussnecker

Who is moving your household goods? If a German company named H.T.O. is/was your moving company for an intra-European move, please pay special attention to this article. Under the full replacement value program, claimants generally have the option to file directly with the moving company that damaged or lost their goods. However, claimants whose goods were damaged or lost by H.T.O. will need to file with their local claims office because H.T.O. has recently declared **bankruptcy**.

A bankruptcy administrator has been appointed to administer H.T.O.'s financial affairs. Under German law, H.T.O. can neither be the recipient of household good claims nor can H.T.O. pay such claims.

Individuals whose household goods were transported by H.T.O. should file their claims directly with their military claims office rather than with H.T.O. Individuals who have already filed a claim with H.T.O. should withdraw their claim and file it with their military claims office. Claimants must give notice of damage to or loss of their property to the claims office within **75 days** of their household goods' delivery, and file their claim within **nine months** from the date of delivery.*

Since H.T.O. has already declared bankruptcy, claimants are being asked to file with the military claims office so that the United States Army Claims Service, Europe (USACSEUR) can assert these claims on their behalf in the bankruptcy proceedings. Claimants may still be able to recover the full replacement value, even if H.T.O. is excused from paying all claims by the bankruptcy court.

Obtaining full replacement value for claimants whose goods were shipped with H.T.O. is a two-step process. First, the military claims office will pay the claim on the basis of the depreciated replacement value or repair cost, whichever is less. USACSEUR will then attempt to recover the difference between the initial payment and full replacement value from the cargo liability insurance companies that insured the shipments of H.T.O. The cargo liability insurance companies remain liable for the full amount of the claimant's loss, despite the fact that the company they insured filed for bankruptcy. If USACSEUR recovers the full replacement value, the claimant will then receive a payment for the difference between the initial payment and the full replacement value.

If you have claims questions or need help filing your claim, contact the Kaiserslautern Legal Services Center Claims Office at DSN 483-8414 or Civilian 0631-411-8414.

* Note: the nine-month deadline only applies if the claimant wants to pursue full replacement value. If the claimant is willing to accept depreciated replacement cost, the claimant has the traditional **two years** from the date of delivery to file their claim.

