

TARIFF ODFL 100-H

SECTION 3

OCEAN RULES

(For application, see Item 3100)

ITEM 3560

SHIPPERS REQUESTS IN FOREIGN COMMERCE - OCEAN

- A. Any shipper may file a request, or complaint with the carrier by submitting a written statement. Upon receipt of the statement, the carrier will promptly process the request or complaint for consideration, reach an appropriate decision, and notify the shipper of its decision in writing. If the shipper's request of complaint is denied, the shipper may request the carrier to reconsider its decision by filing an additional statement with the carrier. After further consideration, the shipper shall be notified of the carrier's final decision. Rules implementing this provision shall be set forth in the tariff.
- B. Any request for establishment or alteration of tariff rates shall be submitted in the form and must contain the commodity, value, packing, weight/measurement ratio, prospective volume, proposed rate, origin and destination.
- C. Shippers who wish to engage in consultation with the carrier under Section 5(b)(6) of the Shipper Act 1984, should send their requests in writing to the carrier.
- D. The carrier's address is shown in the ATFI Organization Record.

ITEM 3570

OVERCHARGE CLAIMS - OCEAN

- A. All claims for adjustment of freight and/or charges must be presented to the carrier in writing within the following items limits:
Complaints seeking freight refund pursuant to Section 11 of the Shipping Act, 1984, must be presented within three (3) years of the date of the Bill of Lading issued by ocean carrier.
- B. For the purposes of uniformity in handling claims for adjustment of freight charges based on alleged errors in cargo description, piece count when cargo is rated on a per package basis, weight and/or measurement, refunds will only be considered as follows:
 - (1) Claims must be presented to the carrier in writing and must contain the following original or certified documents:
 - (a) Bill of Lading
 - (b) Packing List
 - (c) Commercial Invoice
 - (d) Customs Entry Permit/Import Declaration, as applicable
 - (e) Customs Export Declaration, as applicable
 - (2) If claim is presented to the carrier in writing before the shipment involved leaves the custody of the carrier, cargo may be inspected at port of loading or at destination by official measurer named by carrier.
All requests for inspection at destination must be made in writing to the carrier. Any expense incurred by the carrier in connection with the investigation of the claim shall be borne by the party responsible for the error, or if no error found, by the claimant.

(Conc. on following page)

For explanation of abbreviations, notes and reference marks, see Item 15000.

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ITEM 3570

(Conc.)

OVERCHARGE CLAIMS - OCEAN

- C. Claims for adjustment of freight other than those based on errors in weight, piece count, measure of description must be accompanied by the documentary evidence set forth in 20, subparagraph B(1) above, and such other evidence as may be essential in support of the claim in question.
- D. Claims for adjustments in freight and/or charges filed in writing shall be acknowledged by the carrier within 20 days of receipts by written notice to the claimant of the tariff provisions actually applied and claimant's rights under the Shipping Act of 1984.
- E. Refunds approved under the above procedures will only be paid to the party paying the original freight bill and always provided the full amount of the original freight bill has been paid to the ocean carrier.
- F. Claims seeking the refund of freight and/or charges may be filed in the form of a complaint with the Federal Maritime Commission, Washington, DC 20573 as follows:
Complaints seeking reparation pursuant to Section 11 of the Shipping Act, 1984, shall be filed within three (3) years after the cause of action accrues.

ITEM 3580

USE OF CARRIER EQUIPMENT - OCEAN

Carrier provides no equipment of its own. Should shipper or consignee request the use of underlying Carrier's equipment for loading or unloading, all charges assessed against the equipment by the underlying vessel-operating common carrier shall be for the account of the cargo.

ITEM 3590

AUTOMOBILE RATES IN DOMESTIC OFFSHORE COMMERCE - OCEAN

Not Applicable.

ITEM 3600

CARRIER TERMINAL RULES AND CHARGES - OCEAN

Please refer to Item 3610.

For explanation of abbreviations, notes and reference marks, see Item 15000.